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Operational Procedures for Releasing Police Records: A Process Evaluation of California Law Enforcement Agencies' Implementation of Senate Bill 1421

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**Operational Procedures for Releasing Police Records:
A Process Evaluation of California Law Enforcement Agencies’
Implementation of Senate Bill 1421**

By

Bianca Madrid

A Thesis Quality Research Paper
Submitted in Partial Fulfillment of the
Requirements for the
Masters Degree
In

PUBLIC ADMINISTRATION

Professor Frances Edwards, Ph.D.
Advisor

The Graduate School
San José State University
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¡Si se pudo!

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INTRODUCTION

Statement of the Problem

In 2018, California lawmakers passed a series of criminal justice and police reform measures that aimed to heighten transparency within law enforcement services. One of these measures was Senate Bill (SB) 1421, “Peace Officers: Release of Records”, which requires that specific types of law enforcement records concerning two main categories of information be made available to the public: police use of force and police misconduct (Skinner, 2018). Before this measure, law enforcement agency records were confidential, and members of the public only had access to these documents through specific legal processes.

There are two main challenges in examining this topic. The first issue is the complexity of protecting the information within these records, some of which remain confidential according to other legal code provisions that supersede SB 1421’s amendments. For example, these include statements and personal information from witnesses, bystanders, or other involved parties, all of which are entitled to privacy rights intended to safeguard their information and involvement. The second issue involves identifying how these types of records are categorized and preserved according to each agency’s record retention practices. These types of records were never intended for routine public distribution, as many are formatted inconsistently and often span in length from hundreds to thousands of pages.

In addition to the two main issues with SB 1421 lies another challenge: SB 1421 authorizes access to these records through an existing governmental process known as the California Public Records Act (CPRA). The CPRA, which has existed for several decades, intends to allow public access to government agency records through a simple process, a CPRA request. Any member of the public may submit a CPRA request, in person, by phone, or in

writing, to a government agency and are not required to narrow a timeline or specify a reason for their inquiry (Whitnell et al., 2017). Therefore, a requestor may elect to request any records believed to be in an agency's possession, regardless of the staff time required to process such requests.

While law enforcement agencies have routinely processed CPRA requests for common records such as 911 phone call transcripts, traffic or police reports, most law enforcement agencies are less experienced in processing high volumes of requests for complex investigative records. The process becomes more complex when it involves robust CPRA requests that seek records over extended periods of years or decades. The procedures to identify, retrieve, process, and release the records promptly require an elaborate protocol; merely locating the records involves many variables (Hartinger, 2019). Likewise, requests for older cases are especially challenging because agencies have not ordinarily had to categorize all of the types of incidents outlined in SB 1421. One of several other challenges involved with implementing SB 1421 includes categorizing use of force incidents that result in death, or Great Bodily Injury (GBI), not only because a record management system designed to catalog and preserve these types of records does not exist, but also because a clear definition for specific GBI types, a legal term used to describe serious physical injuries, is lacking.

Moreover, there are other challenges regarding reviewing records (electronic and printed copies), which requires reading files to determine whether they contain disclosable documents. Of the most notable challenges, when SB 1421 was enacted in 2019, many law enforcement agencies throughout the state were bombarded with waves of CPRA requests. Despite the steep increase in CPRA request volume, staffing levels, and agency resources mostly remained the same (Greenwald, 2019). Several factors have contributed to the disruption of operational

procedures for managing CPRA requests. In order to determine the reasons for such disruptions, this study examined how law enforcement agencies implemented methods to mitigate these challenges and comply with SB 1421.

Research Question

This research intends to explain how law enforcement agencies in California have implemented operational procedures to comply with the CPRA pursuant to SB 1421 requirements. Because SB 1421 vastly expanded the CPRA, demand for law enforcement record requests has significantly increased in volume. Also, due to key components of SB 1421 which lack clarity in defining specific terminology, each law enforcement agency had to develop its own interpretation of how to implement requirements set forth by the statute. Law enforcement agencies have implemented new requirements to reflect the changes in SB 1421 by establishing working protocols for compliance, developing standard operating procedures, and creating new agency policies.

Additionally, this research project seeks to identify how law enforcement agencies in California have responded to increased volumes of requests for disclosable records as a result of SB 1421. This research is valuable because law enforcement agencies do not commonly have the needed time to collaborate and share common practices before implementing new measures. Some agencies have had more successful strategies to comply with the new legal mandates than other agencies. Meanwhile, some agencies have experienced challenges that have caused disruptions in their operations and management. There are many possibilities available to adapt to the changes required by SB 1421, as well as different ways to improve efficiencies. This research investigated various solutions that agencies have employed to manage their SB 1421 CPRA requests. Thus, the question for this study is, “How have California law enforcement

agencies implemented operational procedures to comply with requirements under the California Public Records Act pursuant to Senate Bill 1421?”

BACKGROUND

California Legal Codes

In 1872, the California State Legislature enacted the “Original Four California Codes”, which were the Civil Code, Code of Civil Procedure, Penal Code, and Political Code (Kleps, 1954). Following this period and through the mid-1990s, the state legislature enacted a series of other legal codes that helped codify statutes and acts into enforceable state laws.

The general statutory law of California now consists of 29 legal codes that cover various subject matter areas of general law and are divided by broad subjects (California State Legislature, 2019). Each code is related to a specific subject area, which affects many industries of the public and private sectors. For example, the California Penal Code consists of two parts: laws defining various types of crimes and laws outlining the criminal justice procedure to enforce punishment for crime offenses (Wechsler, 1968). The California Government Code pertains to state and municipal governments, which includes various public entities and subdivisions. This code was established in 1943 and mostly derived from California’s former Political Code, which was enacted as one of the “Original Four California Codes” in 1872 (Kleps, 1954). With so many codes in place, government agencies have the responsibility to cross-reference these codes in addition to other relevant government documents, including federal and state constitutions, as well as federal and state case law in order to understand how the codes are interpreted and enforced in court.

California Public Records Act

The CPRA is a statute that was enacted by the legislature in the late-1960s to promote increased government transparency. However, it officially became written law when codified into section 6250 of the California Government Code (Whitnell et al., 2017). The CPRA considers all

government records to be public records; hence, all government records must be made available to the public upon request. However, not all information in government records is subject to release; in those cases, certain types of information are considered legally exempt from disclosure (Kleps, 1954). For instance, personal identifying information about individuals involved in a police case requires differing privacy rights. A witness to a crime is entitled to full privacy rights if he or she is listed in a police report or appears in the body-worn camera footage.

In contrast, an arrested suspect is entitled to fewer privacy rights; although some do apply, the scope is quite narrow for arrestees. More of this information is outlined throughout the 29 California legal codes (California State Legislature, 2019). Government agencies are responsible for protecting legally exempt information in two ways: (1) releasing the record but redacting the exempt information within it, or (2) withholding the record entirely to protect the exempt information. Therefore, if a government agency redacts any information within a record, or withholds an entire record, then a legal exemption and explanation must be provided to the CPRA requestor to support the authority under which the agency is exercising their discretion to redact information within a record or withhold a specific record.

SB 1421 amended the definition of two sections in the Penal Code that previously defined a wide span of law enforcement records as legally exempt. Because the SB 1421 amendments removed these two types of law enforcement records from the legally exempt definition, those types of records now fall under the general category of a public record according to the CPRA law. This change in the law now allows members of the public to request these records through a routine CPRA request. The CPRA law also includes guidelines regarding statutory response timelines that agencies must follow. Generally, it allows ten days from the receipt of the request to determine whether any part of the request seeks copies of disclosable

records in the agency's possession. However, an agency may extend the 10-day response period by up to 14 additional days if "unusual circumstances" exist (Whitnell et al., 2017). CPRA defines "unusual circumstances" as:

"The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data." (Tips for Responding to SB 1421 requests, 2019).

If an agency exercises its right to extend the response time, it does not require the consent of the requestor. However, the agency must provide a written notice to the requestor stating the reason(s) for the extension and the anticipated date of the response within the 14-day extension timeline (Whitnell et al., 2017).

Legal Exemptions

Legal exemptions have been unclear for law enforcement agencies to interpret in terms of guidance outlined in SB 1421. While the SB 1421 statute does outline some authorized reasons to redact private information, general CPRA law still requires agencies to independently cross-reference various other legal codes for an exhaustive list of exemptions that require redaction. Agencies continue to use additional exemptions, to redact or withhold records, in combination

with those outlined in SB 1421's amendment to the Penal Code, sections 832.7 and 832.8 (e.g., balancing test redaction exemption in SB 1421).

For example, the Welfare and Institution Code could apply to authorize the protection of records involving juveniles. In some cases, other sections of the code could also be used to redact confidential client and patient information (e.g., medical history, medical diagnosis, mental health disorder), pursuant to the Health Insurance Portability and Accountability Act (Understanding What HIPAA Means for Mental Illness, 2014), as well as any description of a person's medical condition or treatment which is not related to the GBI criteria set forth by SB 1421 (Greenwald, 2019).

In some instances, the document is mostly releasable, but certain information within the record is protected, and redacting that information would allow the agency to release the record. Examining every single record request with compliant and accurate redactions takes a notable amount of time and can quickly amount to a tremendous amount of work. Furthermore, it requires a high level of institutional knowledge and expertise in order to review and assess records accurately. As a result, many agencies had to reassign current staff members, or hire entirely new personnel, to form a team of staff capable of completing these duties proficiently (SB 1421, 2019). Both scenarios include a significant amount of time for onboarding, training, and continued professional development in order for staff members to gain the necessary technical skills to operate independently and efficiently (Slack, 2007).

Because agencies are required to release records within the scope of SB 1421, which contain confidential documents, and given the high volume of requests for such records, this requires responding agencies to examine responsive records to prevent inadvertently releasing

privileged information. Legal experts describe challenges with SB 1421 compliance as the following:

“SB 1421 dramatically increases public access to peace officer personnel records and other public records. But there are a number of issues left unclear and compliance with the new law will require a careful balancing of the public right to access public records against the privacy interests of officers, crime victims, complainants, witnesses and other third parties. Agencies that receive CPRA requests pursuant to SB 1421 should work closely with trusted legal counsel to navigate successfully between these competing interests when responding to the requests.” (Tips for Responding to SB 1421 Requests, 2019).

Changes to the California Public Record Act Pursuant to Senate Bill 1421

In 2019, SB 1421 went into effect throughout California. While this new law does not grant unlimited access to police records, it does, however, allow access, through the CPRA process, to two main categories of law enforcement agency records regarding (1) serious use of force and (2) serious misconduct. The intent of SB 1421 is to increase police transparency by mandating law enforcement agencies to disclose records concerning these types of incidents. Since SB 1421 became law, a flood of CPRA requests from media outlets, legal entities, and ordinary citizens ensued (Mark, 2019). Hundreds of CPRA requests were submitted to law enforcement agencies in possession of the records; many of the record requests were broad and labor-intensive (California Reporting Project, 2019). Several asked for a review of records for all incidents dating back decades; others asked for reviews of entire department officer personnel rosters. Some of these requests require a review of tens of thousands of pages (SB 1421, *San Francisco Department of Police Accountability*, 2019).

This influx of CPRA requests quickly created a backlog for understaffed law enforcement agencies, many of which still had unsettled matters regarding the legal interpretation of the SB 1421 law. Therefore, many agencies delayed their response to SB 1421 CPRA requests in order to seek advice from legal counsel and refine their understanding of how to comply with the new measures appropriately. Although the process of releasing the records is labor-intensive, many agency leaders agree that this process will provide more transparent insight into the law enforcement profession, as evidenced by the quality of work that officers put into every single police report and investigation (Chanin and Espinoza, 2016). Additionally, other leaders have also echoed that SB 1421 will serve as a level of transparency to show that law enforcement agencies take officer misconduct seriously (PACT SJ, *Conversations with police chiefs and sheriff: Commitment to SB 1421*, 2019).

LITERATURE REVIEW

SB 1421 Requirements

California State Senator, Nancy Skinner, proposed a police transparency bill that would require government agencies to release certain types of police investigative records and officer personnel records which were previously considered confidential. This bill was passed by the state legislature and signed by then-Governor Jerry Brown and is now known as Senate Bill (SB) 1421. It officially went into effect on January 1, 2019. Senator Skinner wrote SB 1421 in the form of an amendment that altered specific sections of existing law in the California Penal Code (Skinner, 2018), which previously protected police personnel and investigative records. Although it is common for California legal codes to undergo routine revisions and amendments to ensure laws cross reference properly, this amendment was a significant change to the Penal Code.

While the most significant impacts of SB 1421 mainly affect law enforcement agencies such as police and sheriff departments, it also applies to various other government agencies, such as state, regional and local government agencies that may be in possession of a law enforcement agency record (i.e., peace officer personnel record or investigative record). These agencies include law enforcement oversight agencies (e.g., police commissions, independent police auditor), district attorneys, jails, prisons, probation departments, state and community colleges, and universities (California Reporting Project, 2019).

SB 1421 Amends the California Penal Code

SB 1421 was passed as an act to amend sections 832.7 and 832.8 of the California Penal Code. Section 832.7, pertains to officer personnel records; the SB 1421 amendment requires that police records be made available to the public for incidents related to serious misconduct—inappropriate behavior taken by peace officers in connection with their official duties (Jordan,

Shaw, Tibbet, 2019). SB 1421 now requires that incidents of serious misconduct (only for incidents in which investigations result in a sustained finding) be made available to the public (e.g., destroying or falsifying a police report, tampering or concealing evidence, or committing sexual assault) (Macias, 2018). Meanwhile, section 832.8 relates to significant use of force. The SB 1421 statute requires that police records related to Officer Involved Shootings (OIS) (includes any discharge of a firearm) or Use of Force (UoF) (only includes incidents that result in death or GBI) be made available to the public. SB 1421 defines an OIS as any instance when an officer discharges his or her firearm at a person— regardless of whether the person is struck or not. Therefore, the OIS category of records is sub-categorized into two types of OIS: Fatal OIS and Non-Fatal OIS.

Furthermore, SB 1421 also requires that records be made public for administrative investigations conducted to determine whether a Use of Force was justified within agency policy and statute (Brand and Wood, 2019). Unlike misconduct investigations where personnel records for specific incidents that result in a “sustained finding” are required to be made public, the term “sustained finding” is irrelevant to records for OIS and UoF incidents. As such, these types of administrative investigations are also publicly disclosable. While many agencies automatically conduct administrative investigations for all OIS incidents, administrative investigations for GBI incidents are generally generated by citizen complaints.

Additionally, SB 1421 defines major UoF as any incident where an officer uses force on a person, which results in death or GBI. The SB 1421 statute does not clearly define criteria for the term GBI other than referencing the same description used in the California Penal Code, a “significant or substantial physical injury” (California Legislative Information, 1953). Because of this vague description, agencies must define it themselves when determining which events

qualify as SB 1421 records (Jordan et al., 2019). Therefore, guidelines for compliance and how to apply statute terminology remain unclear. Subsequently, SB 1421 has resulted in varying approaches to interpretation and implementation among agencies (Contradie and Choenni, 2014).

Moreover, the term “sustained finding” is another issue not clearly delineated in the SB 1421 statute. The League of California Cities explains, “The definition of this term is critical as it essentially triggers when a matter is sufficiently “closed” such that records relating to the investigation or discipline in sexual assault or dishonesty cases must be released under the Public Records Act” (October 17, 2019, p. 10). Because the term “closed” applies to administrative investigations differently based on the circumstances surrounding the incident, substantive differences regarding when a finding amounts to the purposes intended by the statute are subject to varying interpretations (Jordan et al., 2019).

Types of SB 1421 Records Subject to Public Disclosure

Under SB 1421, law enforcement agencies are now required to make internal reports for certain types of incidents available to the public. The two main types of records that are now disclosable to the public, serious use of force, and serious misconduct, include many types of files. The SB 1421 statute explicitly defines a record as the following:

Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or

recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action (Skinner, 2018).

SB 1421 and AB 748 – Expanded Access to Police Records

Collectively, the amendments outlined in SB 1421 now allow any member of the public to access these types of law enforcement agency records through the CPRA process. Another police records bill, known as Assembly Bill (AB) 748, also passed in 2019, which further expanded the CPRA process. AB 748, which is considered a companion statute to SB 1421, requires the release of police records in response to CPRA requests for “critical incidents”—an incident involving the discharge of a firearm at a person or an incident in which UoF against a person resulted in death or GBI (Knothe, 2019). AB 748 explicitly requires that video and audio recordings of critical incidents be publicly disclosed within 45 days of the incident. The differing timelines in both statutes creates conflicting workflow processes when media files are released before text documents from the same incident. Particularly, when an incident is under review by an outside agency or an internal administrative investigation is being conducted (e.g. District Attorney’s Office or Internal Affairs). Under such circumstances, SB 1421 authorizes a delayed disclosure of text documents until a ruling is determined, which in some cases can take up to a year to complete. Meanwhile, AB 748 generally does not permit delayed disclosure of media files and agencies must release footage before any outside agency or administrative investigation is even initiated. Video records mainly include body-worn camera footage, whereas audio records include variations of emergency communication call-taker recordings or dispatcher radio

traffic (Jordan et al., 2019). While this research will focus on SB 1421, it is notable to mention that both bills require significant changes in how law enforcement agencies comply with increased CPRA requests for police records (Knothe, 2019).

SB 1421 Legal Interpretation

One of the leading issues with SB 1421 is that several terms throughout the statute are either non-existent or may be subject to differing interpretations (Jordan et al., 2019). Although SB 1421 went into effect in January of 2019, these legal definitions and interpretation issues remained unsettled. For this reason, several law enforcement agencies throughout the state took a cautious approach to setting standards to determine and apply terms used in SB 1421; meanwhile, some agencies did not immediately respond to the statute at all. Many agencies chose to wait for judicial clarification and guidance about how to proceed (Bitters, 2019).

Retroactivity

The main point of disagreement regarding terminology in SB 1421 included determining whether the statute applied retroactively to police records— records that were created before the statute was enacted. Numerous lawsuit cases were filed in various counties throughout the state by police unions to address retroactivity— whether the requirement to disclose records that were previously confidential applies to records created before the enactment of SB 1421. In one case, a preliminary injunction was ordered, also known as a Temporary Restraining Order (TRO), see Appendix B for a copy of the order. This order served to prevent law enforcement agencies from releasing any pre-2019 records or being reprimanded for not acting until a higher court heard the order and either upheld or removed the decision (California Peace Officers Association, 2019).

Chief Michel Moore of the Los Angeles Police Department openly expressed concerns regarding the sheer volume of responsive records that would become releasable if SB 1421

applied to records created before the bill's passage, and how it would impact police work and financial resources (Arango, 2019). Despite these concerns, in late March of 2019, after months of litigation and appeals, the California First District Court of Appeal declined to find that SB 1421 was not retroactive in its application. The Court of Appeals ruled that the law did apply to police records created before the law's effective date, and directed law enforcement agencies to comply with the SB 1421 mandate (Touchstone, 2019).

Definition of Great Bodily Injury

Other matters of ambiguity continue to complicate the process of interpreting terminology throughout this statute. For example, such terms as GBI are not defined explicitly in the statute. However, federal law requires that agencies routinely track and report incidents which result in death for any person who is detained, under arrest, is in the process of being arrested, and deaths that happen en route to being incarcerated or while incarcerated (Braswell, 2018), the same cannot be said about incidents which result in GBI. The importance of whether an injury qualifies as a GBI determines whether an agency is required to release the record(s) of the incident to the public, or not.

FBI National Use-of-Force Data Collection Campaign

In recent years, high-profile cases in which subjects die or are seriously injured have heightened public awareness of these issues and increased demand for this information to be collected and disclosed to the public (U.S. Department of Justice, Federal Bureau of Investigation, 2018).

While police-involved shootings and use of force have long been topics of national discussion, federal historical guidelines have not required agencies to collect information about how often force is used by law enforcement officers (Goldsmith, 2005). Consequently, the opportunity to study the incidents and discuss their cause is hindered by the lack of enough data to query the

information or compile nationwide statistics to analyze trends (U.S. Department of Justice, Federal Bureau of Investigation, 2018). Moreover, the inaccurate ability to track and identify this information in record management practices (to fulfill public records requests) further complicates the process for law enforcement agencies to comply with legislative mandates which require such provisions. Likewise, the Federal Bureau of Investigations (FBI) has grappled with similar challenges that require access to similar information. The FBI has publicly discussed their desire to describe trends in the use of force better, but has not had the information needed to do so (U.S. Department of Justice, Federal Bureau of Investigation, 2018).

As a result, in 2018, the United States Department of Justice, Federal Bureau of Investigations, launched the National Use-of-Force Data Collection campaign to promote heightened transparency. It also intended to enable law enforcement agencies to use this data to evaluate their tactics, determine whether better equipment for the use of force is needed, and initiate additional training opportunities to better deal with the use of force incidents (U.S. Department of Justice, Federal Bureau of Investigation, 2018). This data collection campaign is meant to gather data for two types of use of force: lethal and non-lethal. These combined types of force result in collection of information for three categories: (1) deadly use of force, (2) force resulting in serious bodily injury, and (3) force when an officer's weapon is discharged in the direction of a person. This campaign takes its data collection a step further; it also gathers circumstantial information surrounding the use of force incident. For example, the type of force used (taser, baton, police dog bite, control hold), the physical condition of those involved, race, sex, age, whether the subject was armed or perceived as armed and much more (KTVU, 2019).

Although the National Use-of-Force information will be available to the public, the FBI intends to provide trend information only—raw data will not be publicly available. While this

campaign is well-designed and intended, public concerns remain that the FBI may not receive the critical information that they need because the entire data collection campaign is voluntary (Shane, 2018). Many advocacy groups, legal firms, and ordinary citizens agree that mandatory participation should be required (Brand and Wood, 2019). Meanwhile, the FBI anticipates reaching 40% of the use of force data from police departments nationwide by 2020 (U.S. Department of Justice, Federal Bureau of Investigation, 2018).

While there are various administrative challenges involved in categorizing and preserving records for GBI incidents, other complex issues exist regarding inconsistent terminology outlined in SB 1421 and the FBI Use of Force data collection campaign (Shane, 2018). Specifically, there is a lack of a clear or consistent definition for the term GBI included in the SB 1421 statute. Even though the FBI Use of Force data collection campaign is the closest method to track and identify GBI records, other issues still exist. Although some agencies participated in early pilot models of the data collection campaign program, some as early as 2017, most agencies did not participate until 2018, and some have not participated at all, and have no tracking mechanism in place to categorize GBI incidents.

FBI - Serious Bodily Injury versus SB 1421 - Great Bodily Injury

Furthermore, the FBI Use of Force Reporting Form uses the term “Serious Bodily Injury” (SBI) to describe a serious physical injury that includes a definition generally known to contain ten types of serious injuries. See Appendix A for a full version of a Use of Force Reporting Form derived from SB 1421 documents, which have been publicly released to CPRA requestors and subsequently uploaded online (KTVU, 2019). Although the definition for SBI is based, in part, upon U.S. Code 18, section 2246(4), it is defined only as “Bodily injury that involves substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or

impairment of the function of a bodily member, organ or mental faculty.” (Legal Information Institute, 1998). Meanwhile, the GBI term used in SB 1421 is not defined at all (Greenwald, 2019).

Even though SB 1421 attempts to distinguish GBI criteria in order to qualify the record of the incident as publicly disclosable, it still does not draw explicit distinctions between normal injuries, serious bodily injuries, and great bodily injuries. As such, many agencies have taken the position of defining it according to the California Penal Code, section 12022.7, which defines GBI as, “a significant or substantial physical injury” (California Legislative Information, 1953). While there are more statutes and case law which reference the term “GBI”, a complete definition remains indefinite because there are no clear, scientific lines between what is significant and what is not. Ultimately, the topic regarding what kind of injuries qualify as an SB 1421 record remains open for interpretation, and each agency has the authority to adopt varying descriptions for this term using their discretion (Greenwald, 2019).

Sustained Findings

Another potential source of debate involves the outcome of administrative investigations which result in a “sustained finding”, meaning that a fair majority of the evidence obtained in the investigation established that the accused person's actions constituted a violation of law or department policy (Skinner, 2018). The application of this term in SB 1421 does not adequately consider several issues that affect the results of such investigative findings. Particularly, the “opportunity for an administrative appeal process” (Jordan, et al., October 17, 2019, p. 10) provided to peace officers can, in some cases, overturn an imposed discipline or outcome of an investigation.

For example, if a peace officer is involved in an administrative investigation for disciplinary purposes, and the outcome of the investigation results in a “sustained finding”, a peace officer may invoke his or her right to appeal the finding. An appeal process has the authority to decrease the severity of disciplinary or corrective actions imposed on employees, and it can also overturn the outcome of their findings (Knothe, 2019). Therefore, a finding which resulted in a “sustained finding” could change (e.g., not sustained, unfounded, exonerated) since peace officers are entitled to several administrative appeal processes. These options allow them to petition an intended discipline using different options based on their agency’s disciplinary policy, union’s memorandum agreements, federal and state statutes, and relevant case law. For example, the California Government Code’s Public Safety Officers Procedural Bill of Rights Act (POBRA), a state statute, prohibits any disciplinary or corrective action from being undertaken if an investigation of a claim against a public safety officer is not completed within one year of the agency’s discovery of the claim (California Legislative Information, 2009). Other common appeal processes include submitting a request for a Skelly conference or other grievance process, arbitration proceedings, entering into a settlement agreement, or an appeal to the Civil Service Commission, each of which entails varying guidelines and timelines.

Because each of these appeal processes is available to peace officers during different periods after the investigation is initiated and concluded, it is difficult to determine when an administrative finding is officially considered a “sustained finding”, and moreover, whether it will remain “sustained” until each of the timelines for each appeal option elapses. Therefore, this issue raises the question of “If an officer is being disciplined for a sustained finding of dishonesty, are the records disclosable if the officer invokes a right to appeal, and the appeal process has not yet been exhausted?” (Hartinger, March 29, 2019, p. 26).

In such cases, as it currently stands, an agency may purposefully delay the disclosure of a record because the time to petition that determination has not passed. The agency may also assert that the records for the incident are no longer deemed a “sustained finding” at all and deny the request for disclosable records (Jordan et al., 2019). However, such actions may also be perceived as violating the agency’s disclosure obligations under the CPRA because the record could be considered a “sustained” finding at the time of the CPRA request (Brand & Wood, 2019). Such violations could also subject an agency to civil ramifications if sued. Likewise, if a record regarding an investigation that resulted in a “sustained finding” is promptly disclosed under SB 1421, but the outcome of the investigation is later modified by an appeal or grievance process, an agency could potentially violate entitled privacy rights for the involved officer. In essence, this could also expose the agency to significant liability. Consequently, such variables in defining terminology outlined in SB 1421 create conflicting principles for law enforcement agencies to interpret, and further complicates the process of accurately categorizing disciplinary incidents.

Release of Records

Another vague area of the statute concerns standard guidelines for producing records. Although many law enforcement agencies use different database management systems, the actual process for providing records to requestors has varied from agency to agency. Some agencies have invested in vendor services to use online platforms to communicate with requestors and manage the release of responsive records. Others have created public webpages to announce protocols and upload records to their site as a method of releasing records. See Appendix D for a sample webpage operated by the Riverside Sheriff’s Department (California Public Records Act, 2019). This method also optimizes staff time since CPRA requestors can reference records posted

online rather than submit requests for records that have already been processed and released. In some cases, CPRA requestors will still submit a request for repeat cases to law enforcement agencies. Instead of agency staff investing time to correspond with the requestor, staff can use template language to direct the requestor to the agency website to retrieve the requested records.

In contrast, other agencies have maintained standard protocols of releasing records directly to requestors through communication tailored to each requestor. Together, these ambiguous elements of the statute have created a negative impact on the public's understanding of this law and agencies' varying interpretations of SB 1421. There will be various other issues that will surface concerning SB 1421 and AB 748 in the foreseeable future. The issues outlined above are among the most notable challenges that these new statutes present in both the short and long term (Jordan et al., 2019).

SB 1421 Implementation and Challenges

As previously mentioned, several California police unions filed lawsuits regarding the legal interpretation and implementation of SB 1421— specifically, whether this new law required the release of records created before the bill's passage (Touchstone, 2019). Ultimately, the California First District Court of Appeal ruled that agencies must comply with SB 1421 regardless of ambiguous terminology; mainly, the matter of retroactivity was settled, and the courts directed agencies to release all records, including those created before SB 1421 was enacted (Hutton, 2019). Due to delays in the judicial process, agencies that had not immediately established a definite position regarding their protocols for processing CPRA SB 1421 requests or methods for releasing records were in a challenging situation. Once the courts ruled on the matter of retroactivity, law enforcement agencies had to conform quickly— many without ample time to create elaborate operational procedures, or train and develop staff members to conduct

this work. While the early portion of 2019 was spent obtaining clear guidelines set by the courts and devising procedures to comply with the mandate, agencies were required to act swiftly in formulating their response plan. Notwithstanding limited fiscal resources, many agencies needed to create entirely new positions within their organization to obtain qualified staff members for the complexity of this type of work (Slack, 2007).

Staffing Strategies

The issues for each agency to comply with SB 1421, an unfunded mandate, vary by agency. Foremost were the lack of sufficient and skilled personnel to manage the demands of an entirely new job function, and to develop an elaborate workflow to comply appropriately. Some agencies created interdepartmental workgroups to focus on the scope of this specialized work. However, this was not a long-term plan because employees were being diverted to this task while neglecting other full-time duties. Other agencies formed entirely new units within their organization chart to meet the needs of this new demand (Public Record Disclosure Under SB 1421, 2019). Overall, agencies statewide lacked several vital factors, such as readily available training opportunities exclusive to SB 1421 subject matter, access to specialized software for record management and conducting precise redactions in media files (i.e., audio, video and photographic records), and electronic equipment with sufficient capacity to run programs and software needed to perform many of the requirements that SB 1421 demands. Mainly, the redactions required in media files, such as body-worn camera footage, entail technical and legal training, and require enabling technologies that can process and edit evidentiary records, as well as securely store vast amounts of such files (Sah et al., 2017)

Standardized Guidelines

Likewise, agencies also had very little guidance about how they should manage the implementation of SB 1421 into their operational procedures; in fact, they had the option to do so in a variety of ways. Therefore, many law enforcement agencies have established different policies and procedures for their agency regarding their chosen methods and procedures. An example can be found in Appendix C regarding the San Francisco Police Department's SB 1421 Protocol Guidelines. Meanwhile, some agencies have not made any significant changes to their existing policies and procedures regarding how to process SB 1421 CPRA requests or methods to manage the release of SB 1421 records. The state mandate does not require law enforcement agencies to follow any specified format, nor does it provide any precise guidelines for implementing new procedures regarding how records should be prepared or produced for the public's review. It also does not suggest a priority order of processing incidents that predate the release law by decades (SB 1421, *San Francisco Department of Police Accountability*, 2019).

Hence, agencies have responded in a variety of ways, which have been noticeably different from agency to agency— further complicating the public's perception of the statewide implementation of this law. CPRA requestors and media outlets alike have compared the differing responses from law enforcement agencies regarding CPRA requests for SB 1421 records (KTVU, 2019). For these reasons, developing a reference guide to assess different types of operational procedures is more important than ever. Not only can agencies benefit immensely from collaborating to identify common practices and innovative approaches to leverage agency resources, but the public will too. Consistent practices and guidelines can provide the public with a clearer understanding of how agencies are responding to SB 1421.

Record Management and Enabling Technologies

Other challenges in implementing SB 1421 include developing interdepartmental tracking methods to identify types of incidents categorized as publicly releasable per SB 1421, managing that information, and preserving the related record(s). Furthermore, obtaining necessary software and technology to process and manage increased volumes of records and developing working protocols to process requests all encompass a vast undertaking to ensure that the procedures for this process are conducted carefully and consistently (Sah et al., 2017). The San Francisco Department of Police Accountability explains, “The process of fulfilling a request can require as many as 15 steps — including locating the files, reviewing them for relevant material, and making redactions.” (SB 1421, *San Francisco Department of Police Accountability*, 2019). This statement demonstrates that processing a CPRA request for SB 1421 records is not a routine request at all. It requires an elaborate multi-step workflow which involves specialized training, extensive research time, and multi-level management and legal approval before records may be publicly released. Despite the many complexities involved in processing and managing SB 1421 record requests, some agencies continue to use traditional CPRA methods for processing SB 1421 record requests. For example, manual processes for: (1) responding to requests and providing updates, (2) managing correspondence with requestors, (3) monitoring the various stages of multi-level management and legal approval before records may be publicly released, and (4) tracking documents that have been publicly released. Such manual processes are not designed for handling the extensive workflow that SB 1421 requires and creates additional challenges for agencies to quickly respond to SB 1421 requests.

SB 1421 Compliance Methods

Although SB 1421 went into effect in early 2019, California law enforcement agencies responded in widely different ways. Some law enforcement agencies prepared for SB 1421 before it became law by following their pre-existing procedures. Because SB 1421 did not address how law enforcement agencies should manage record retention before the law became effective (January of 2019), some agencies followed their routine procedures. These procedures included routine schedules for disposing of records according to each agency's respective record retention policy. While these types of actions raised public concerns that agencies were hiding information from the public before SB 1421 became effective, agency leadership chose to exercise their discretion to follow existing protocols. The SB 1421 statute did not outline that agencies had to preserve records before SB 1421's effective date in January of 2019 (Brooks, 2019). Another difference in implementation, which speaks to a method of compliance, is that some agencies have created an index to manage what types of incidents qualify as publicly releasable records; some agencies have also publicly released their SB 1421 index. While such reference documents are not required by law, they do serve a meaningful purpose for record management strategies. Some agencies have delayed the development of such reference documents, and some have not created any at all.

Some law enforcement agencies have publicly discussed their approach to prioritizing the release of their records. The order priority of releasing records has been conducted in a variety of ways throughout the state. Some agencies have stated that they will process requests starting with the oldest records in their possession and work their way up to the most recent, regardless of the order that the CPRA request was received (Brooks, 2019). In contrast, other agencies have chosen to process requests based on the number of requests for a single incident, labeling these

incidents as a high public interest. Likewise, some agencies have employed a rolling-release process. This method provides responsive records in phases based on accessibility to needed resources at the time of the request (e.g., providing text documents, police reports, investigative documents or transcripts before processing digital media files). This method requires partially fulfilling CPRA requests and leaving them pending in order to move onto other requests. Eventually, agencies must return to work on partially fulfilled requests to process and release remaining responsive records, generally digital media files, which require more time and advanced technological resources to process (SB 1421, *San Francisco Department of Police Accountability*, 2019). The rolling-release method of compliance is one strategy that can offer an enhanced approach to engage with more CPRA requestors than the traditional approach. However, this method requires leaving CPRA requests open for months or years before they are complete.

SB 1421 contains many facets that have not been fully explored. Agencies are still adapting and shaping their approaches to comply with this mandate. The opportunity to network with partner agencies and discuss experiences with one another is often challenging in this line of work. For this reason, this research surveyed law enforcement agencies to determine the types of operational procedures that they have developed and implemented in response to SB 1421 legislation.

METHODOLOGY

This study conducted a four-phase process evaluation model approach (Sylvia and Sylvia, 2012) to examine how California law enforcement agencies implemented new operational procedures in response to SB 1421 legislation, see Table 1 for the evaluation model. The program indicators examined different methods of implementation and sought to identify common practices. The basis of the evaluation was to demonstrate how law enforcement agencies have implemented SB 1421 requirements into their existing CPRA operational procedures.

Table 1: Four-Phase Process Evaluation Model

Problem Identification	Solution	Implementation	Evaluation
A new legal mandate, SB 1421, which expanded the California Public Records Act (CPRA), now requires California law enforcement agencies to disclose previously confidential police records to members of the public.	California law enforcement agencies must integrate SB 1421 requirements into their existing CPRA operational procedures or develop new guidelines to comply with SB 1421.	Administer a research survey to examine how California law enforcement agencies have implemented SB 1421 requirements into their CPRA operational procedures.	Demonstrate different methods to implement SB 1421 requirements into agency operational procedures.

This management tool evaluates a variety of ways that law enforcement agencies integrated a new transparency law into their CPRA operational procedures. Valuable information regarding optional implementation elements is also available on law enforcement agency websites; this information has also been examined to draw comparisons throughout the process evaluation. This study also intends to provide specific practices currently being used by law enforcement agencies to manage SB 1421 processes and workflows.

Using this type of analysis is essential for examining evaluation outcomes such as process improvements (Sylvia and Sylvia, 2012). It is especially useful for evaluating how government agencies respond to new legislative mandates that do not explicitly address guidelines to meet new directives. Broadly written laws often result in a wide interpretation of the mandate's requirements, and, therefore, generate many variations in agency response. By conducting a process evaluation, the information needed to identify various operational procedure alternatives was examined.

Data Collection

In order to conduct this type of study, a sample of 25 law enforcement agencies was surveyed to collect data about changes to their operational procedures as a result of SB 1421 legislation. Responses to this survey were categorized into blocks of information related to different aspects of processing a CPRA request under SB 1421's new guidelines (e.g., staffing sizes, CPRA operational procedures, methods for releasing records). This information has been analyzed to identify common practices, and determine whether any methods yielded more successful outcomes (i.e., produce records more effectively, correspond with requestors more efficiently).

An electronic survey was developed to capture the needed information. The SB 1421 – Operational Procedures Survey, Appendix E, is attached at the end of this report. The survey was delivered electronically to each agency's Public Records Coordinator's email address. The email message included an introduction to the research topic and provided instructions to access the survey link. Follow-up phone interviews were conducted with some survey participants to allow discussion about the complexities of interpreting SB 1421 and developing adaptive operational procedures.

IRB Exclusion

This research qualified for exclusion from IRB review because the subjects of this evaluation were public agencies. Furthermore, the survey content was related to data questions about work-related processes, not personal opinions or experiences, so there were no human subjects.

A sample of 25 California law enforcement agencies was surveyed to collect data about their agency's operational procedures in response to releasing public records according to a police transparency law, SB 1421. The information in the survey has been categorized into six segments to thoroughly assess each agency's practices for managing this new workload.

Data Selection

The selection criteria for the California law enforcement agencies invited to participate in the survey was determined using two base cases; one for city-level law enforcement agencies and another for county-level law enforcement agencies. The base cases established benchmarks (i.e., minimum and maximum levels) for demographic data (e.g., population size, agency size, race, crime rates). The City of San José was used as the base case to select city-level law enforcement agencies, and the County of Santa Clara was used as the base case to select county-level law enforcement agencies. These base cases formed the Law Enforcement Agency (LEA) Selection Criteria tables. Refer to Table 2, City Agency— LEA Selection Criteria, and Table 3, for County Agency— LEA Selection Criteria. Refer to Appendix H for a full roster of agencies invited to participate in the survey (with data descriptor information included). Table 2 provides the criteria used to select city-level law enforcement agency survey participants. Table 3 provides the criteria used to select county-level law enforcement agency survey participants.

Table 2: City – LEA Selection Criteria

Population	210K - 1.5M	--	--
Agency Size	300 - 2,500	Sworn Staff: 150 - 2,500	Civilian Staff: Any
Racial Demographics - Group #1	Any	Minimum 25%	Maximum 60%
Racial Demographics - Group #2	Any	Minimum 20%	Maximum 40%
Racial Demographics - Group #3	Any	Minimum 5%	Maximum 30%
Racial Demographics - Group #4	Any	Minimum 1%	Maximum 15%
Violent Crime Rate* <i>FBI Definition, arson not included</i>	5%	--	--
Property Crime Rate* <i>FBI Definition, arson not included</i>	70%	--	--

Table 3: County – LEA Selection Criteria

Population	760K - 3.5M	--	--
Agency Size	700 - 4,500	Sworn Staff: 350 – 2,600	Civilian Staff: Any
Racial Demographics - Group #1	Any	Minimum 30%	Maximum 55%
Racial Demographics - Group #2	Any	Minimum 20%	Maximum 35%
Racial Demographics - Group #3	Any	Minimum 5%	Maximum 25%
Racial Demographics - Group #4	Any	Minimum 1%	Maximum 15%
Violent Crime Rate* <i>FBI Definition, arson not included</i>	15%	--	--
Property Crime Rate* <i>FBI Definition, arson not included</i>	75%	--	--

Tables 4, 5, and 6 refer to the format used to anonymize survey responses. See Table 4, Population Category Key, for the population range identifier key. See Table 5, Staffing Category Key, for the sworn staffing range identifier key. See the Findings section, Table 8, Anonymized Survey Responses, for the list of law enforcement agency survey responses; listed by their anonymous identifier labels. Table 4 provides a categorized key used to anonymize agency participants based on population range. Table 5 provides a categorized key used to anonymize agency participants based on sworn staffing range.

Table 4: Population Category – Key

Population (Pop.) Category	Size
A	Above 1,500,000
B	800,001 – 1,499,999
C	350,001 – 800,000
D	1 – 350,000

Table 5: Staffing Category – Key

Staffing Category – Sworn	Size
I	Above 1,500
II	801 – 1,499
III	351 – 800
IV	1 – 350

Table 6 provides a categorized key used to anonymize agency participants by assigning survey respondents an identification number (i.e., ID #). The identification number is based on agency criteria outlined in Table 4 and Table 5.

Table 6: Anonymized Survey Identification Number – Key

ID #	Agency Name	Population (Pop.) Category	Staffing Category – Sworn
1	Anonymous 1	A	I
2	Anonymous 2	A	I
3	Anonymous 3	B	II
4	Anonymous 4	B	II
5	Anonymous 5	C	IV
6	Anonymous 6	D	III
7	Anonymous 7	D	III

FINDINGS

Survey Participation

An online survey was conducted for this research using a professional survey platform, known as Qualtrics XM. The purpose of the survey was to identify how agencies have implemented SB 1421 requirements into their operational procedures. It also intended to assess the different approaches to managing CPRA requests, including processing requests and maintaining correspondence with requestors. The survey also assessed the organizational structure of the workgroups assigned to perform SB 1421 work duties. The survey consisted of 43 questions in total. However, the survey prompted participants only to answer specific questions based on their responses to previous questions throughout the survey. Therefore, not all survey questions appeared for every participant. On average, participants completed the survey in approximately 25-30 questions. See Appendix E to view the full survey.

Twenty-five California agencies fit the Law Enforcement Agency (LEA) selection criteria described in the methodology section; reference Table 2 and Table 3 for selection criteria. Survey participation resulted in a low turnout. Agencies reported varying reasons for lack of participation including, Public Records Coordinators did not have agency authorization to complete the survey, were unable to expedite the agency approval process to participate in a research survey within the given research submission deadline, were inadequately staffed, or were unable to dedicate ample time to research the information needed to complete the survey. Several agencies provided no reasoning for their lack of participation, and some did not respond to the electronic survey invitation or phone interview attempts. A total of seven law enforcement agencies submitted completed responses to the survey (March 2020). Two law enforcement agencies submitted partial responses; however, those responses were not factored into the

analysis due to the limitations of the content provided. Overall, the responses to this survey offered qualitative and quantitative data on each agency's current operational procedures as well as information about their staffing levels and the number of SB 1421 incidents applicable to CPRA requests.

SB 1421 Staffing

Table 7 shows the survey questions regarding staffing levels for SB 1421 personnel, which are specifically assigned or budgeted to conduct SB 1421 duties and their position classifications (i.e., sworn or non-sworn/civilian). Table 7 provides a survey response table which includes a key for survey questions outlined in Table 8.

Table 7: Survey Response Table – Survey Question Key

ID #	Pop.	Staffing – Sworn	Survey Question/Response
Sample	Sample	Sample	Q2.2_1: How many full-time staff are assigned/budgeted to perform SB 1421 work duties at your agency?
			Q2.2_2: How many part-time staff are assigned/budgeted to perform SB 1421 work duties at your agency?
			Q2.3: Please select the number of full-time SB 1421 staff members which are classified as sworn or non-sworn/civilian employees?
			Q3.5: What type of system does your agency use to manage CPRA requests?
			Q3.7: How does your agency provide/maintain ongoing communication with SB 1421 CPRA requestors to provide responsive records and/or updates?

Figure A, survey response for question Q2.5, further demonstrates the inadequate staffing levels that law enforcement agencies are experiencing despite the high demands for public records created by SB 1421 CPRA requests. Survey responses show that 42% of agencies are diverting one to three staff members, who are not assigned or budgeted to perform SB 1421 work duties, to support or directly process SB 1421 CPRA requests. One agency reported diverting as many as nine staff members to assist with processing their agency backlog of SB 1421 CPRA requests. Figure A displays data about the amount of staff members who are not assigned/budgeted specifically to perform SB 1421 work duties and are diverting their work time to support or directly process SB 1421 CPRA requests.

Figure A: Survey Response for Question Q2.5

How many staff members who are not assigned/budgeted specifically to perform SB 1421 work duties are diverting their work time to support or directly process SB 1421 CPRA requests?

SB 1421 Index

Agencies reported various figures for the number of SB 1421 incidents/cases identified as responsive to SB 1421 CPRA requests. Some agencies have cataloged the types of SB 1421 incidents/cases into an aggregated list (by type of SB 1421 incident) known as an SB 1421 Index. The four main categories of an SB 1421 Index include OIS incidents, fatal and non-fatal, GBI incidents, and administrative discipline cases for serious misconduct (i.e., dishonesty/falsifying a police report or sexual assault).

Twenty-nine percent of agencies reported more than 90, SB 1421 OIS (fatal and non-fatal) incidents/cases on their SB 1421 Index, 29% reported 61-90 OIS incidents, 29% reported 1-30 OIS incidents, and one agency reported an “unknown” response. 29% of agencies reported 61-90 GBI incidents/cases on their SB 1421 Index, 29% reported 1-30 GBI incidents. The remaining agencies reported an “unknown” response. 71% of agencies reported 1-30 disciplinary incidents/cases on their SB 1421 Index.

CPRA Management and Digital Tools

Table 8 provides survey responses from agency participants and is categorized using the anonymized criteria outlined in in Table 3, Table 4, and Table 5. Table 8 shows a breakdown of the types of systems that law enforcement agencies are using to manage CPRA requests; 71% of agencies are currently (as of March 2020) using a manual method of tracking and processing records requests. Table 8 also demonstrates the methods of communication that law enforcement agencies use to maintain correspondence with CPRA requestors. 71% of agencies maintain traditional modes of direct communication, which includes a formal response letter, customized for each CPRA request— usually sent as an attachment in an email message, or in some cases, sent via postal mail. In contrast, 29% of agencies are now using public-facing web-based

software platforms integrated with law enforcement agency websites to provide updates and upload responsive records.

Table 8: Anonymized Survey Response Table

ID #	Pop.	Staffing – Sworn	Survey Question/Response
1	A	I	Q2.2_1: 1-3 Full-Time Staff Members
			Q2.2_2: 0 Part-Time Staff Members
			Q2.3: 1-3 Sworn
			Q3.5: Agency manages CPRA requests manually using an internal spreadsheet (e.g., Excel workbook), managed by staff members coordinating CPRA requests.
			Q3.7: Agency provides updates and responsive records via agency website.
2	A	I	Q2.2_1: 4-6 Full-Time Staff Members
			Q2.2_2: 0 Part-Time Staff Members
			Q2.3: 1-3 Sworn, 1-3 Non-sworn/civilian
			Q3.5: Online (CPRA vendor) management platform
			Q3.7: Agency provides updates and responsive records via agency website.
3	B	II	Q2.2_1: 4-6 Full-Time Staff Members
			Q2.2_2: 1-3 Part-Time Staff Members
			Q2.3: 4-7 Non-sworn/civilian (FT), 1-3 Sworn (PT)
			Q3.5: Agency manages CPRA requests manually using an internal spreadsheet (e.g., Excel workbook), managed by staff members coordinating CPRA requests.
			Q3.7: Agency provides updates and responsive records via direct email communication (e.g., formal response letter, customized for each request, attached in email message.)
4	B	II	Q2.2_1: 1-3 Full-Time Staff Members
			Q2.2_2: No response provided.
			Q2.3: 1-3 Sworn

			Q3.5: Agency manages CPRA requests manually using an internal spreadsheet (e.g., Excel workbook), managed by staff members coordinating CPRA requests; transitioning to an online (CPRA vendor) management platform in the near-term.
			Q3.7: Agency provides updates and responsive records via direct email communication (e.g., formal response letter, customized for each request, attached in email message.)
5	C	IV	Q2.2_1: 0 Full-Time Staff Members
			Q2.2_2: 1-3 Part-Time Staff Members
			Q2.3: No response provided.
			Q3.5: Agency manages CPRA requests manually using an internal spreadsheet (e.g., Excel workbook), managed by staff members coordinating CPRA requests.
			Q3.7: Agency provides updates and responsive records via direct email communication (e.g., formal response letter, customized for each request, attached in email message.)
6	D	III	Q2.2_1: 1-3 Full-Time Staff Members
			Q2.2_2: 0 Staff Members
			Q2.3: 1-3 Sworn
			Q3.5: Agency manages CPRA requests manually using an internal spreadsheet (e.g., Excel workbook), managed by staff members coordinating CPRA requests.
			Q3.7: Agency provides updates and responsive records via direct email communication (e.g., formal response letter, customized for each request, attached in email message.)
7	D	III	Q2.2_1: 4-6 Full-Time Staff Members
			Q2.2_2: 7 or more Part-Time Staff Members
			Q2.3: 8 or more Non-Sworn/Civilian
			Q3.5: Online (CPRA vendor) management platform
			Q3.7: Agency provides updates and responsive records via direct email communication (e.g., formal response letter, customized for each request, attached in email message.)

All agencies reported that they provide direct communication to CPRA requestors; communication with the requestor is in a closed correspondence (e.g., via email, phone, in writing, or in-person). In contrast, some agencies (not participants of this survey), communicate with CPRA requestors in open correspondence—communication messaging is visible to other members of the public (e.g., law enforcement agency website).

Agencies reported several types of digital tools used to prepare SB 1421 records for public disclosure. Preparation includes trimming and redacting tens to hundreds of hours of media files, which are a part of investigative records for SB 1421 incidents. These include audio and video files, which include 911 calls, dispatch radio traffic of the entire SB 1421 incident, witness statements, body-worn camera footage, private property surveillance camera footage, and bystander mobile phone footage, to name a few. Photographic images are also a part of an investigative record, which includes crime scene photos, images of involved parties, subject/witness officers, evidence items, diagrams, and sketches.

Selecting the best type of digital tools to use for processing SB 1421 records presents unique challenges. Some include determining types of software features that are essential to process media files appropriately, choosing a vendor to work with, spending time to meet with vendor representatives for product demonstrations, procuring the software, and obtaining essential training to use the software properly. Six out of seven survey respondents reported using different digital tools, each sold by different private sector vendors. Some agencies have resorted to outsourcing certain portions of preparing SB 1421 records for public disclosure to third-party vendors. One agency reported that this was the most effective option to perform the digital redactions on behalf of the agency in order to produce the records expeditiously.

SB 1421 Quality Control Methods

Agencies reported various methods for managing quality control of their SB 1421 record release procedures. Survey question, Q3.4, was an open-ended survey question intended to yield qualitative responses regarding each agency's unique process. Several agency methods for quality control involve multiple steps to process a single SB 1421 record.

Sample processes reported in survey responses include the following steps:

1. Check with internal unit(s) for requested record(s), if applicable, an investigative unit (e.g., Assaults Unit, Robbery Unit, Homicide Unit) typically possess the needed records;
2. Retrieve records (convert to electronic format when possible);
3. First staff member: review record(s); read the file, draft notes/roster of case information;
4. First staff member: redact record(s); track legal exemptions used for redactions;
5. Second staff member: confirm that all redactions are appropriate; review and add/remove redactions;
6. First and Second staff members convene with management to discuss questions for clarification/guidance about redactions before submitting a record for management review;
7. Submit record(s) to management to review/redact records;
8. Some agencies send the record to an internal unit to review before consulting with legal counsel (e.g., Legal Unit, Professional Standards Unit, Research and Development Unit);
9. Consult with legal counsel for redaction questions; some agencies consult with legal counsel paraprofessional staff before corresponding with Attorneys (e.g., Paralegal, Legal Analyst);

10. Submit to command staff or executive management (i.e., Lieutenant, Assistant/Deputy Chief or Assistant Sheriff) to review records;
11. Submit to legal counsel to review records for final approval;
12. Record approved for public release; prepare response letter to provide record to requestor.

SB 1421 Processing Time

Survey respondents reported varying time frames for processing SB 1421 CPRA requests. One trend in the survey results demonstrated that processing time varied considerably based on the type of SB 1421 record. For example, SB 1421 GBI incidents took much less time to process compared to SB 1421 OIS (fatal and non-fatal) incidents. 58% of agencies reported spending 10.5 – 25.5 hours processing SB 1421 GBI incidents. In contrast, 57% of agencies reporting spending 40.5 hours or more processing SB 1421 OIS (fatal and non-fatal) incidents. Lastly, 43% of agencies reported spending 10.5 – 20 hours processing SB 1421 disciplinary case records and 29% of agencies reported spending 40.5 hours or more processing disciplinary case records. The remaining agencies reported “unknown” responses for SB 1421 disciplinary case records since they had not fully processed or released any at the time the survey was completed.

Development: Procedures, Protocols, and Policies

Figure B, survey response for question Q3.1, displays the number of respondents that have changed their procedures, protocols, or policies in response to SB 1421 legislation. While 43% have made changes, 43% are currently developing changes to implement in the near term. One agency reported making no changes to their procedures. Although changes to procedures are ideal, some limitations prevent specific changes from taking place, mainly, the ability to staff a new demand before investing in the development of new procedures or changing agency policy

positions. Figure B provides data on survey participants that have/have not changed procedures, protocols, or policies regarding the release of public records as a result of/in response to SB 1421 legislation. It also provides data on survey participants that are currently developing or making changes.

Figure B: Survey Response for Question Q3.1

Did your agency's procedures, protocols, or policies regarding the release of public records change as a result of/in response to SB 1421 legislation?

CPRA Request – Processing Priority

Figure C, survey response for question Q4.1, displays the types of processing priority methods implemented by law enforcement agencies. Because SB 1421 defines a broad category of disclosable records, CPRA requestors have submitted broad requests to law enforcement agencies for records that span over many years. As a result, law enforcement agencies have encountered the challenge of choosing a method to prioritize processing CPRA requests. Ordinarily, government agencies process CPRA requests based on the order received (i.e., oldest request to newest request). However, SB 1421 has modified the traditional approach, and agencies have strategized several new methods to manage SB 1421 CPRA requests; this is now known as a processing priority method. Figure C shows that 42% of respondents have managed their processing priority method using the traditional approach (i.e., oldest request to newest

request). However, more than half of respondents have adapted their processing priority method using alternative approaches to meet the demand of their SB 1421 CPRA requests. See Figure C for alternative approaches selected by survey respondents. It is notable that none of the respondents selected the option of incidents with the most requests, nor reverse chronological order. Figure C displays data on the type of methods survey participants use to prioritize the order in which SB 1421 CPRA requests are processed.

Figure C: Survey Response for Question Q4.1

How does your agency prioritize the order in which SB 1421 CPRA requests are processed?

- Date/order CPRA request is received (oldest to newest request)
- Incidents with the most requests are processed first
- High profile incidents are processed first and take ongoing priority
- Reverse chronological order: oldest incident to newest incident
- Chronological order: newest incidents to oldest incident
- Other:

SB 1421 Record Release Methods

While a processing priority method is part of a strategic approach for an agency to determine which type of records can be accessed most efficiently, a records release method is equally important. A records release method is an approach used to determine how to release records in response to CPRA requests. Traditionally, CPRA law requires that an agency produces all responsive records to a requestor within a 10-day limit unless unusual circumstances exist, and the agency can demonstrate that processing the request in the 10-day timeline is an overly burdensome task. Then a 14-day extension may be granted for the agency to continue working on the request until it is fully processed. Many agencies reported that they have had to request extensions beyond the total 24-day timeline to process their SB 1421 CPRA requests due to various reasons, mainly, the labor-intensive tasks involved in locating, processing, reviewing and obtaining necessary approvals for each SB 1421 record.

For these reasons, agencies have organized unique methods to release records. Figure D, survey response for question Q4.2, displays four methods for releasing records. Nearly half of respondents have implemented a partial records release method— provide all responsive text documents and only precipitous moments of audio and video media files for each request, then move on to process a different request. While agencies are required to return to the partial record release request, some agencies have discovered that requestors are satisfied with the partial record release and do not wish to seek any further records. In these cases, agencies are relieved from returning to the request to continue processing it.

Nonetheless, other agencies have found that some requestors that receive partial records choose to wait for a full record release. Therefore, this method does not necessarily provide a more efficient approach; instead, it merely shifts the workload for agency staff to a later date.

This method can also present further challenges for staff because it requires spending time on the same cases again and becoming reacquainted with the information in the case in order to process partially fulfilled requests fully.

It is notable that 14.29% of respondents used a different approach to release records. For example, some agencies release full text documents and photo files but delay disclosure of media files (i.e., video and audio footage). Figure D displays data on records release methods used by survey participants.

Figure D: Survey Response for Question Q4.2

Survey Question Q4.2: What records release method has your agency used to release responsive SB 1421 records to CPRA requestors?

■ Start by releasing General Police Report and investigative text documents for each request

■ Full Records Release – provide all responsive records (text, photos, audio, and video) for each request, then move on to next request

■ Partial Records Release – provide all responsive text documents and only precipitous moments of audio and video records for each request, then move on to next request, return to partial response requests to prepare/process remaining audio and video records to requestor

■ Other:

Implications

Law enforcement agencies are likely to implement more proactive protocols in response to SB 1421 as more time develops. This type of proactive approach may include increased public education and information about each agency's implementation efforts regarding SB 1421 (e.g., agency webpage dedicated to SB 1421 information). See Appendix F and Appendix G for examples of law enforcement agencies' frequently asked questions regarding SB 1421, including more communication about each agency's chosen method of CPRA request processing priority. Some agencies have converted to uploading responsive SB 1421 records to requestors on the agency's website, see Appendix D for an example, or are using some other public-facing online platform to decrease the time spent processing repeat records requests for the same incidents. Agencies may also establish standard protocols to simplify parts of their operational procedures related to processing SB 1421 requests. Examples may include standard methods of electronic communication between agency personnel and CPRA requestors by using enabling technologies such as specialized software applications (i.e., private vendor CPRA online platforms). Increased political support will likely garner more resources for agencies to employ needed personnel, as well as acquire technology and equipment required to manage the long-term effects of increasing SB 1421 CPRA requests. Moreover, some agencies may also establish internal policies to foster consistency in operational standards for future SB 1421 CPRA requests. While there are many evolving implementation options available to law enforcement agencies, there are some common practices that agencies can employ to help promote a more precise understanding of their response to SB 1421 legislation.

ANALYSIS

The objective of this research was to examine how law enforcement agencies throughout California have integrated SB 1421 requirements into their operational procedures.

The analysis of the data is based on the process evaluation model by Sylvia and Sylvia (2012).

The data for this research, obtained from a voluntary survey, examined agency implementation approaches and methods for compliance with SB 1421.

The data shows that although law enforcement agencies have implemented procedures to comply with SB 1421, many initial procedures for processing traditional CPRA requests have remained. The data also shows that several survey respondents are still managing CPRA requests using traditional manual methods, which creates challenges for processing increased volumes of CPRA requests due to the amount of time involved in continuing to use traditional management methods. Less than half of respondents reported implementing new policies and procedures in response to SB 1421. However, some agencies did report that they are in the process of making policy changes or developing new procedures.

Respondents also reported inadequate staffing levels dedicated to SB 1421 work duties to fully comply with CPRA requirements and timelines (e.g., 24-day timeline to determine agency response or produce agency records). Several agencies have reallocated employee positions in order to focus more staff time on SB 1421 duties, and in some cases, agencies budgeted entirely new staff positions to meet this need (Greenwald, 2019). Because the process of creating new positions for a public agency is bureaucratic, in some instances, the process to recruit and interview requires several months. Several agencies disclosed that the recruitment efforts to fill open positions produced added challenges due to labor-intensive agency requirements, for example, conducting extensive background checks for prospective candidates. In some cases,

existing agency employees applying internally (i.e., changing position classifications) also required varying levels of enhanced background checks, which further delays the process to fill open positions.

Additionally, agency respondents reported various complexities involved in processing SB 1421 CPRA requests, including interpreting the legislation requirements concisely. These include portions that are not explicitly defined, such as the term GBI, or how to handle requests within the CPRA 24-day response timeline, which call for records that contain thousands of pages or span over several years. Additionally, the multi-step workflow process required to process a single SB 1421 record is another time intensive process required by SB 1421. Agencies have not been adequately equipped with the training or tools needed to adapt to a significant shift in record management practices.

Because of the intricacies involved in processing SB 1421 CPRA requests, agency administrators must invest time and resources in developing standardized procedures for managing SB 1421 record requests. Specifically, these are procedures which can be analyzed using quantifiable objectives as guiding indicators for evaluation outcomes (Types of Evaluation, 2020). For instance, developing workflows and processes that can comprehensively assess staff performance in various subject areas related to handling SB 1421 record requests could be standardized. This could include evaluation of proficient comprehension of CPRA requirements, knowledge of relevant subject-matter resources, aptitude to examine additional government documents (e.g., agency policies, legal codes, case law), and ability to research how legal codes and case law (federal and state) are interpreted and applicable to SB 1421. Moreover, additional staff evaluation outcomes could also include assessing efficiency in work outputs (i.e., time spent on assigned SB 1421 tasks) and case completion and error rates. Such metrics could also be

valuable for conducting future process improvements (process intervention analysis), outcome evaluations, and employee appraisals (Berry, 1994). Standardized procedures could also assist the administration in identifying and developing strategic training opportunities to enhance staff knowledge and increase the capacity to operate more effectively.

Additional benefits to identifying more focused areas of improvement, such as process and staff development, include opportunities to promote a more collaborative work environment among workgroup members (Slack et al., 2007). One strategy to streamline procedures that leverage staff knowledge and encourage collaboration includes forming sub-workgroups comprised of more experienced staff members with entry-level or junior staff members, allowing the newer employees to shadow the more experienced staff members, and gradually take on tasks throughout the entire workflow process, with the guidance of the more experienced staff member. This method fosters a mentorship approach for more experienced and trained staff to co-facilitate (along with management) components of the required training topics and modules for their newer colleagues. Not only does this method cultivate partnerships among colleagues, but it also provides management with a more integrated approach to continuously supervise more members of a team.

Another approach to restructuring operational procedures also includes forming sub-work groups. However, instead of replicating extensive training for every staff member at full capacity, this model sub-categorizes workflow duties in order to assign staggered tasks to workgroup members. This approach can function in two ways: (1) assign specific responsibilities to each staff member based on experience and specialized training, or (2) all staff members are fully trained in all components of the work process and conduct staggered tasks on a rotating schedule. The benefits of the first option include a decreased amount of time administering

cycles of highly specialized and advanced training modules, which could also improve overall training retention. This model adds depth to the agency's organizational chart and is optimal when staff members are classified differently (position descriptions) in order to leverage minimum qualifications required for each position and reduce fiscal impacts involved in budgeting for additional personnel (i.e., entry-mid level clerical tasks, intermediate administrative tasks, advanced level legal research tasks). As opposed to a flat organizational chart where identical staff positions duplicate the same work outputs and depend on single-level supervision for training support and approval processes. As evidenced by the research findings, the SB 1421 workflow procedure has proven to be complex and multi-dimensional; therefore, grouping tasks into themes or stages would be very feasible. For instance, staggered tasks based on dependency factors (i.e., task #3 is dependent on tasks #1 and #2 being completed) or on skill level could be one approach to delineating balanced work duties. This staggered staffing strategy could also yield better quality work outputs and more efficient production rates, since staff members are able to focus on mastering a particular set of technical skills required for specific themes or stages of the SB 1421 work process.

If this is not feasible, agency administrators could implement general staff guidelines, standard operating procedures, or draft protocols that outline the various steps involved in processing an SB 1421 record correctly. At the very least, this could serve as a checklist or reference guide for staff to use in handling the workflow of their assignments, and it would assist management with maintaining consistent work outputs while decreasing the amount of recurring discussions reviewing work process instructions. It is also essential for agency administrators to schedule routine meetings with SB 1421 workgroup members (e.g., monthly, quarterly) to

reassess the overall effectiveness of materials provided to staff in order to identify procedures that require improvement and opportunities to enhance training and development.

Finally, as part of developing standard operating procedures, agencies should also consider establishing their own standards for determining and applying terms used throughout SB 1421 (e.g., GBI, delineate circumstances for dishonesty, sustained findings, “opportunity for an administrative appeal”) since specific terms and types of incidents trigger disclosures (Brand and Wood, 2019). Developing standards to address key terms in SB 1421 will help agencies comply with the CPRA and produce responsive records more effectively.

Limitations

This study had several limitations. First, law enforcement agencies are not legally required to discuss or disclose specific details about internal agency procedures publicly; hence, they ordinarily do not engage in voluntary research surveys. Second, some survey responses may have been estimates, therefore, the results should be evaluated with caution. Third, although the survey terminology was considered generally universal, respondents may have had varying interpretations about some terminology based on their agency training or practices (e.g., SB 1421 Index of types of events, processing time, record release methods). Therefore, survey questions that referenced such terminology may have been construed differently. Fourth, the survey size was comparatively small; therefore, the results may not be generalizable to all California law enforcement agencies’ SB 1421 operational procedures. Fifth, the survey was administered electronically. Several Public Records Act Coordinators notified the researcher that the survey link was forwarded internally to personnel authorized to complete surveys on behalf of their agency. Sixth, some of the staff members authorized to complete the survey may have had a limited understanding of the context of the survey, since the respondent may or may not

ordinarily work in the day to day operations of processing or managing SB 1421 CPRA requests. Seventh, it was not possible to conduct follow-up interviews with all survey respondents due to the research submission deadline. The opportunity to discuss survey questions through dialogue would have helped tremendously in gathering more comprehensive survey responses. Finally, additional time to complete the survey may have also yielded more survey participation; agencies invited to participate in the survey had a four-week window to complete the survey. The Qualtrics survey management software reported that several agency participants visited the survey after the submission deadline ended.

Areas for Further Research

The analysis of this research shows that various methods for law enforcement agencies to implement SB 1421 procedures exist. The data in this research is not extensive enough to provide firm recommendations for system-wide improvements, or to recommend any set of standardized procedures or best practices.

Further research to identify other methods to respond to SB 1421 requirements is needed. A future study could include how agency methods have evolved over a more extended period. This research began eight months (August 2019) after the enactment of SB 1421 (January 2019), and five months after the appellate court ruling (March 2019) determined that law enforcement agencies must comply with the release of retroactive records. Therefore, a future study could explore how agencies have implemented operational procedures after a more extended period of complying with SB 1421, and after gaining more experience interpreting the many facets of SB 1421.

Research is also needed to evaluate budgetary impacts to compare how agency processes and work models produce more effective success indicators (e.g., how many requests are processed in less time or with less staff).

Furthermore, extensive research is still needed to explore whether staffing strategies such as particular staff positions (e.g., Staff Specialist, Analyst, Paralegal) or staff classifications (i.e., sworn, non-sworn/civilian) yield more effective work product results for an agency, or not.

Finally, a future study to survey procedures and protocols using a benchmark analysis is also desirable. A researcher could assess a larger pool of survey participants to analyze common practices and recommend a set of best practices for different size agencies (i.e., small agency standards, large agency standards).

CONCLUSION

As evidenced by the research described in this report, a wide range of alternatives exists for each individual law enforcement agency to use to integrate SB 1421 requirements into their operational procedures. This research is valuable to law enforcement agency administrators because it provides a foundation for encouraging learning between agencies, leading to the development of more effective practices for processing SB 1421 CPRA record requests. It also provides further insight into options for allocating agency resources to comply with SB 1421. Additionally, this study contributes to the existing body of knowledge related to CPRA processes and methods of compliance. Finally, as an early investigation of a new mandate, this study adds significant knowledge about methods of publicly disclosing police personnel and investigative records under SB 1421 in its first year of implementation.

REFERENCES

- Arango, T. (2019, February 13). Can an open-records law reduce shootings by police in California? *New York Times*. Retrieved from <https://www.nytimes.com/2019/02/12/us/california-police-records.html>
- Berry, F. (1994). Innovation in public management: The adoption of strategic planning. *Public Administration Review*, 54(4), 322–330. Retrieved from https://www-jstor-org.libaccess.sjlibrary.org/stable/977379?sid=primo&origin=crossref&seq=1#metadata_info_tab_contents
- Bitters, J. (2019, June 19). Santa Clara not complying with records law civil grand jury reports. *San José Spotlight*. Retrieved from <https://sanjosespotlight.com/santa-clara-not-complying-with-records-law-civil-grand-jury-report-says/>
- Brand, A., Wood, C. (2019). Opening Secrets: With the passage of SB 1421, the Penal Code now allows for disclosure of peace officer records when there are claims of use of force or sustained claims of sexual assault or dishonesty. *Los Angeles Lawyers*. Retrieved from <https://www.lacba.org/docs/default-source/lal-magazine/2019-test-articles/february2019testarticle.pdf>
- Braswell, M. (2018, June 6). Death in Custody Reporting Act collection. *Federal Register*. U.S. Department of Justice. Retrieved from <https://www.federalregister.gov/documents/2018/06/11/2018-12503/agency-information-collection-activities-proposed-ecollection-ecomments-requested-new-collection>
- Brooks, C. (2019, February 13). Compliance with SB 1421 is crucial to police accountability. *Sacramento Bee*. Retrieved from <https://www.sacbee.com/opinion/california-forum/article225344040.html>

California. (1954). West's annotated California codes. St. Paul: West Group.

California Constitution, Article I, Section 3(b)(1). Retrieved from

<https://oag.ca.gov/sites/all/files/agweb/pdfs/consumers/article1.pdf>

California Peace Officers Association. (2019, April 4). *Court of Appeal Determines that SB 1421 Applies to Records Created Prior to January 1, 2019*. Retrieved from

<https://cpoa.org/court-of-appeal-determines-that-sb-1421-applies-to-records-created-prior-to-january-1-2019/>

California Public Records Act. (2019, October 1). California Public Records Act. *California Highway Patrol*. Retrieved from

<https://www.chp.ca.gov/CommissionerSite/Pages/California-Public-Records-Act-.aspx>

California Public Records Act. (2019, October 1). California Public Records Act. *Riverside County Sheriff's Department*. Retrieved from

<https://www.riversidesheriff.org/faq.aspx?TID=29>

California Reporting Project (2018). Retrieved from <http://projects.scpr.org/california-reporting-project/#projects>

California State Legislature. (2019). *Laws and Constitution*. Retrieved from

http://www.legislature.ca.gov/laws_and_constitution.html

California State Legislature. (1994). *Government Code: Public Safety Officers Procedural Bill of Rights Act*. Retrieved from

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=4.&title=1.&part=&chapter=9.7.&article=

- California Legislative Information. (2009, October 11). *AB-955 Public Safety Officers Procedural Bill of Rights Act: discipline*. Retrieved from http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200920100AB955
- California Legislative Information. (1953). *Penal Code: Prevention of crimes and apprehension of criminals*. Retrieved from https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=12022.7.
- Chanin, J., & Espinosa, S. (2016). Examining the determinants of police department transparency. *Criminal Justice Policy Review*, 27(5), 498–519. Retrieved from <https://doi-org.libaccess.sjlibrary.org/10.1177/0887403415596039>
- Contradie, P., & Choenni, S. (2014). On the barriers for local government releasing open data. *Government Information Quarterly*, 31(Suppl. 1), S10–S17. Retrieved from <https://www-sciencedirect-com.libaccess.sjlibrary.org/science/article/pii/S0740624X14000513>
- Goldsmith, A. (2005). Police reform and the problem of trust. *Criminology & Penology*, 9, 443–470. DOI:10.1177/1362480605057727
- Greenwald, D. (2019, August 7). SB 1421 working group meet, discussion definition of sustained complaints. *San Francisco Court Watch, Davis Vanguard*. Retrieved from <https://www.davisvanguard.org/2019/08/sb-1421-working-group-meet-discussion-definition-of-sustained-complaints/>
- Hartinger, A. (2019, March 30). California Personnel Administrators Association of California: SB 1421/AB 748 [Presentation, PowerPoint]. Renee Public Law Group. Retrieved from <https://rennepubliclawgroup.com/wp-content/uploads/2019/05/032919-CPAAC-Presentation-1.pdf>

- Hutton, A. (2019, September 5). Santa Clara County DA applauds high court ruling giving prosecutors access to police misconduct records. *San José Spotlight*. Retrieved from <https://sanjosespotlight.com/santa-clara-county-da-applauds-high-court-ruling-giving-prosecutors-access-to-police-misconduct-records/>
- Jordan, H. Shaw, S. Tibbet, W. (2019, October 17). Everything You Need to Know about SB 1421 and AB 748. *League of California Cities*. Retrieved from <https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2019/2019-Annual-Conference/10-2019-AC;-Jordan-Shaw-Tibbet-Everything-You-Need.aspx>
- Keating, M. (2015). More police departments headed to the cloud. *American City & County Exclusive Insight*, 1. Retrieved from <https://search-ebscohost-com.libaccess.sjlibrary.org/login.aspx?direct=true&db=a9h&AN=102472062&site=ehost-live&scope=site>
- Kleps, R. N. (1954). *The revision and codification of California statutes 1849-1953*. 42 Cal. L. Rev. 766. Retrieved from https://www.ccsf.edu/content/dam/ccsf/images/academic_senate/AS_Docs/Academic_Senate_2014_15/Facilities_Taskforce_Committee/The_Revision_and_Codification_of_California_Statutes_1849-1953
- Knothe, P. (2019, January 2). Governor signs SB 1421 and AB 748, dramatically increasing public access to peace officer personnel records. *Useful Information for Navigating Legal Challenges, California Public Agency Labor & Employment*. Retrieved from <https://www.calpublicagencylaboremploymentblog.com/public-safety-issues/governor->

signs-sb-1421-and-ab-748-dramatically-increasing-public-access-to-police-officer-personnel-records-2/

KTVU. (2019, October 3). Interactive map: Who is releasing police personnel files under new law, and who is not. *Fox Television Stations, KTVU*. Retrieved from <https://www.ktvu.com/news/interactive-map-who-is-releasing-police-personnel-files-under-new-law-and-who-is-not>

Legal Information Institute. (1998). *Definitions for chapter 18 U.S. Code section 2246*. Cornell Law School. Retrieved from <https://www.law.cornell.edu/uscode/text/18/2246>

Lewis, M. (2017). Is your agency's disciplinary appeal process compliant with POBRA? *Useful Information for Navigating Legal Challenges, California Public Agency Labor & Employment*. Retrieved from <https://www.calpublicagencylaboremploymentblog.com/public-safety-issues/is-your-agencys-disciplinary-appeal-process-compliant-with-pobra-you-might-be-surprised/>

Lum, C., Koper, C. S., Merola, L. M., Scherer, A., & Reieux, A. (2015). Existing and ongoing body worn camera research: Knowledge gaps and opportunities. *Center for Evidence-Based Crime Policy, George Mason University*. Retrieved from <http://cebcp.org/wpcontent/technology/BodyWornCameraResearch.pdf>

Macias, M. (2018, September 1). California police accountability bills head to governor's desk. *Courthouse News Service*. Retrieved from <https://www.courthousenews.com/california-police-accountability-bills-head-to-governors-desk/>

Mark, J. (2019, December 5). SB 1421 Madness: S.F. Police Commission advances enhanced police misconduct records protocol. *Mission Local*. Retrieved from

- <https://missionlocal.org/2019/12/sb-1421-madness-s-f-police-commission-passes-tentative-police-misconduct-records-protocol/>
- Obama, B. (2009). Attorney General Holder's memo for heads of executive departments and agencies concerning the Freedom of Information Act, 74. *Fed. Reg.* 51879. Retrieved from <https://www.ims.gov/sites/default/files/presidentmemorandum620.pdf>
- Obama, B. (2017). The president's role in advancing criminal justice reform. *Harvard Law Review*, 130(3), 811. Retrieved from <http://harvardlawreview.org/wp-content/uploads/2017/01/811-866-Online-Rev-vf.pdf>
- PACT SJ. (2019, March 24). Conversation with police chiefs and sheriff: Commitment to SB 1421. People Acting in Community Together San José (PACT SJ). Retrieved from <https://www.youtube.com/watch?v=YhnDum0pF-w>
- Police Quarterly. (2016). Research on body worn cameras: Meeting the challenges of police operations, program implementation, and randomized controlled trial designs. Vol. 19(3) 363–384. Retrieved from DOI: 10.1177/1098611116658595 pqx.sagepub.com
- Prime, J. (1996). A double-barreled assault: How technology and judicial interpretations threaten public access to law enforcement records. *Federal Communications Law Journal*, 48(2), 341. Retrieved from https://sjsu-primo.hosted.exlibrisgroup.com/permalink/f/egdih2/TN_proquest213210660
- Protocols for release of SB 1421 documents. (2019, December 4). *City and County of San Francisco*, San Francisco Police Commission. Retrieved from

<https://sfgov.org/policecommission/meeting/police-commission-december-4-2019-supporting-documents>

Public record disclosure under SB 1421. (2019, November 27). Public record disclosure under SB 1421. [Presentation, PowerPoint]. *City and County of San Francisco, Officer of the Public Defender*. Retrieved from

<https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission120419-PublicDefenderSB1421Presentation.pdf>

Sah, S., Shringi, A., Ptucha, R., Burry, A., Loce, R. (2017). Video redaction: a survey and comparison of enabling technologies. *Journal of Electronic Imaging*, 26(5), 1–14.

Retrieved from <https://doi-org.libaccess.sjlibrary.org/10.1117/1.JEI.26.5.051406>

SB 1421. (2019, December 4). SB 1421 [Presentation, PowerPoint]. *City and County of San Francisco, Department of Police Accountability*. Retrieved from

<https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission120419-DPASB1421Presentation.pdf>

Shane, J. M. (2018). Improving police use of force: A policy essay on national data collection. *Criminal Justice Policy Review*, 29(2), 128–148. Retrieved from <https://doi-org.libaccess.sjlibrary.org/10.1177/0887403416662504>

Skinner, N. (2018, October 1). Senate Bill No. 1421. Peace officers: Release of records. *California Legislative Information*. Retrieved from

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1421

Slack, N., Chambers, S., Johnston, R. (2007). *Operations Management, Fifth Edition*. Prentice Hall.

- Sol, D. (2013). The institutional, economic and social determinants of local government transparency. *Journal of Economic Policy Reform*, 16(1), 90–107.
- Sylvia, R., & Sylvia, K. (2012). *Program Planning and Evaluation for the Public Manager*. Long Grove, IL: Waveland Press, Inc.
- Tips for responding to SB 1421 requests. (2019, January 4). *Useful Information for Navigating Legal Challenges, California Public Agency Labor & Employment*. Retrieved from <https://www.calpublicagencylaboremploymentblog.com/public-safety-issues/tips-for-responding-to-sb-1421-requests/>
- Touchstone, J. R. (2019, April 4). Court of Appeal determines that SB 1421 applies to records created prior to January 1, 2019. *California Peace Officers Association*. Retrieved from <https://cpoa.org/court-of-appeal-determines-that-sb-1421-applies-to-records-created-prior-to-january-1-2019/>
- Types of evaluation. (2020, February 5). *Centers for Disease Control*. Department of Health and Human Services, USA. Retrieved from <https://www.cdc.gov/std/Program/pupestd/Types%20of%20Evaluation.pdf>
- Understanding what HIPAA means for Mental Illness. (2014, April 15). *National Alliance on Mental Illness*. Retrieved from <https://www.nami.org/About-NAMI/NAMI-News/2014/Understanding-What-HIPAA-Means-for-Mental-Illness>
- United States Census Bureau. (2018). California quick facts. *U.S. Census Bureau*. Retrieved from <https://www.census.gov/quickfacts/CA>
- United States Department of Justice, Federal Bureau of Investigation. (2018, November 20). *FBI announces the national official launch of use-of-force data collection*. Retrieved from

<https://www.fbi.gov/news/pressrel/press-releases/fbi-announces-the-official-launch-of-the-national-use-of-force-data-collection>

United States Department of Justice, Federal Bureau of Investigation. (December 2019). *Uniform Crime Reporting, 2018*. Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018>

Wechsler, H. (1968). Codification of criminal law in the United States: The model penal code. *Columbia Law Review*, 68(8), 1425-1456. DOI:10.2307/1121103

Whitnell, P., Kelleher, K., Manning, C., Leary, A., & Leonard, J. (2017). The People's Business: A Guide to the California Public Records Act. *League of California Cities*. Retrieved from <https://www.cacities.org/resources/open-government/the-people's-business-a-guide-to-the-california-pu.aspx>

Wong, A., Bibring, P. Ochoa, M. P. (2019, September 26). The right to know: How to fulfill the public's right of access to police records. *American Civil Liberties Union of Southern California*. Retrieved from <https://www.aclusocal.org/en/publications/right-know-how-fulfill-publics-right-access-police-records>

APPENDICES

Appendix A: Sample Use of Force Reporting Form

RE: FBI Serious Bodily Injury Definition (outlined in red)

	POLICE DEPT
	NARRATIVE TEXT HARDCOPY
GO#	245C-1 245C PC ASLT OFC W/O FIREARM

245C PC ASLT OFC W/O FIREARM

USE OF FORCE REPORTING

USE OF FORCE

General Offense Report# [REDACTED] Primary Agency? [YES]
Did you include the "USEFORCE" offense code on the GO?
[YES, "USEFORCE" OFFENSE CODE IS INCLUDED]

Were multiple police agencies involved in the incident? [NO]
Did you discharge a firearm? [YES]
Did you use force on a suspect? [YES]
Did this cause serious injury or death to a suspect? [YES]
Did the suspect(s) assault you? [YES]
Did this cause serious injury to you? [NO]
Did this incident cause death to an officer? [NO]

Check all that apply to this Use of Force incident:

[X] Multiple incident locations
[X] Incident occurred on a K-12 campus
[X] An arrest was made
[X] Incident resulted in a crime report
[X] Body Worn Camera RECORDING during incident

Initial contact reason (select only one):

[CALL FOR SERVICE]

Number of suspects involved [2]

(TO YOUR KNOWLEDGE, the total number of suspects who had force used on them and/or who assaulted an officer)

Number of officers involved [4]

(TO YOUR KNOWLEDGE, among officers present on the scene, the number who used force on a suspect and/or were assaulted by a suspect)

SUSPECT INFORMATION

Suspect Name: [] Unknown, suspect escaped

(Use drop-down menu to select from the list of Entities)

[REDACTED] (DOB: [REDACTED])]

Enter the suspect's name below IF it is not among the Entities listed above

Last Name: []
Given Name(s): [] [] []
]

		POLICE DEPT
	NARRATIVE TEXT HARDCOPY	
GO#		245C-1 245C PC ASLT OFC W/O FIREARM

Age in years: [21 TO 25]
 Gender: [FEMALE]
 Race: [HISPANIC]

Primary language spoken by suspect: [] [X] Unknown

Did the suspect assault you? [YES]

Suspect arrested and/or in custody? [Deceased]

Did you perceive the suspect to be armed? [YES]
 If YES, indicate weapon type (check all that apply):
 [] Firearm [X] Other dangerous weapon
 [] Knife, blade, or stabbing instrument [] Unknown

Did you confirm the suspect to be armed? [YES]
 If YES, confirm weapon type (check all that apply):
 [] Firearm
 [] Firearm replica
 Firearm types (check all that apply):
 [] Handgun [] Rifle
 [] Shotgun [] Other firearm
 [] Knife, blade, or stabbing instrument
 [X] Other dangerous weapon

Did suspect resist? [YES] If YES, choose highest level of resistance:
 [LIFE THREATENING]

Did the suspect attempt to disarm you? [NO]

Did you use force on this suspect? [YES]

Type of force you used on the suspect (check all that apply):
 [] Carotid restraint control hold [] Threat of firearm
 [] Other control hold/takedown [] Electronic control device
 [] Other physical contact (fists, feet, etc.) [] Discharge of firearm (miss)
 [] Blunt/impact weapon [X] Discharge of firearm (hit)
 [] Chemical spray (e.g. OC/CS) [] Officer vehicle contact
 [] Impact projectile [] K-9 contact
 [] Knife, blade, or stabbing instrument [] Other dangerous weapon

Check all items that you deployed/discharged in this use of force incident:
 [] TASER drive stun
 [] TASER probes deployed

POLICE DEPT
NARRATIVE TEXT HARDCOPY

GO#

245C-1 245C PC ASLT OFC W/O FIREARM

☐]TASER probes deployed (miss)

Location on suspect where you used force (check all that apply):

☐]Not applicable ☒]Head
☐]Neck/throat ☒]Front upper torso/chest
☒]Rear upper torso/back ☒]Front lower torso/abdomen
☒]Rear lower torso/back ☐]Front below waist/groin area
☐]Rear below waist/buttocks ☒]Arms/hands
☐]Front legs/feet ☐]Rear legs

Suspect's erratic behavior as you perceived it at the time of the incident
(check all that apply):

☒]None ☐]Signs of alcohol impairment
☐]Signs of mental disability ☐]Signs of drug impairment
☐]Signs of physical disability ☐]Signs of developmental disability

Was suspect injured (even if minor)? ☒]YES

If YES, indicate suspect's injury level (select only one):

☐]DEATH

*SERIOUS BODILY INJURY involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ: wound requiring extensive suturing, bone fracture, concussion.

Suspect injury type (check all that apply):

☐]Unconsciousness ☐]Contusion
☐]Concussion ☐]Bone fracture
☐]Internal injury ☐]Abrasion/laceration
☐]Obvious disfigurement ☒]Gunshot wound
☐]Stabbing wound ☐]Complaint of pain

Medical aid the suspect received - choose highest applicable:

☐]MEDICAL ASSISTANCE TREATED ON SCENE

Was the suspect's injury caused by a pre-existing condition? ☐]NO

OFFICER INFORMATION

Officer Name:

Badge Number:

☐] ☐]

Age in years: ☐]31 TO 35

Gender: ☐]Male

Race: ☐]WHITE

On duty: ☐]YES

Officer type: ☐]SWORN

POLICE DEPT
NARRATIVE TEXT HARDCOPY

GO#

245C-1 245C PC ASLT OFC W/O FIREARM

Patrol shift: [THIRD WATCH]
Officer dress: [PATROL UNIFORM]
Years of experience: [7]
Assignment (select only one): [PATROL]

Did you use force against a suspect (or multiple suspects)? [Yes]

If YES, reason for use of force (check all that apply):

[X]To effect arrest
[X]To prevent escape
[X]To overcome resistance

Were you assaulted by suspect(s)? [YES]

Type of force the suspect used on you (check all that apply):

[]Suspect physical contact	[]Impact Projectile
[]Suspect vehicle contact	[]Threat of firearm
[]Blunt/impact weapon	[]Discharge of firearm (miss)
[]Chemical Spray (e.g. OC/CS)	[]Discharge of firearm (hit)
[]Electronic control device	[X]Other dangerous weapon
[]Knife, blade, or stabbing instrument	[]Animal

Location(s) on you where suspect(s) used force (check all that apply):

[X]Not applicable	[]Head
[]Neck/throat	[]Front upper torso/chest
[]Rear upper torso/back	[]Front lower torso/abdomen
[]Rear lower torso/back	[]Front below waist/groin area
[]Rear below waist/buttocks	[]Arms/hands
[]Front legs/feet	[]Rear legs

Were you injured (even if minor)? [NO]

If YES, indicate your injury level (select only one):

[]

*Serious Bodily Injury involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ: wound requiring extensive suturing, bone fracture, concussion.

What type of injury did you sustain? (check all that apply):

[]Unconsciousness	[]Contusion
[]Concussion	[]Bone Fracture
[]Internal injury	[]Abrasion/Laceration
[]Obvious disfigurement	[]Gunshot wound
[]Stabbing wound	[]Complaint of pain

For:

Printed On: Aug-13-2019 (Tue.)

Page 4 of 5

	POLICE DEPT
	NARRATIVE TEXT HARDCOPY
GO#	245C-1 245C PC ASLT OFC W/O FIREARM

Medical aid you received - choose highest applicable:
[NO MEDICAL ASSISTANCE OR REFUSED ASSISTANCE]

Was your injury caused by a pre-existing condition? [NO]

Primary officer activity immediately prior to force response (select only one):
[ATTEMPTING TO TAKE CUSTODY]

Did the use of force result from taking the suspect into custody? [YES]

Author:

Related date: Aug-13-2019 (Tue.) 1119

*** END OF HARDCOPY ***

Appendix B: Temporary Restraining Order to Block SB 1421 Retroactivity

RE: Concord Police Officers Union

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12	CONCORD POLICE ASSOCIATION	CASE NO. N19-0166
13	Petitioner/Plaintiff,	PROPOSED TEMPORARY
14	vs.	RESTRAINING ORDER AND ORDER TO
15		SHOW CAUSE RE: PRELIMINARY
16	CITY OF CONCORD; GUY SWANGER,	INJUNCTION
17	Chief of Police; and DOES 1 through 20,	
18	inclusive,	
19	Respondents/Defendants.	
20	The Ex Parte Application for a Temporary Restraining Order and Order to Show Cause Re:	
21	Preliminary Injunction of Petitioner/Plaintiff Concord Police Association ("CPA") having been	
22	presented to the Court on January 25, 2019 and it appearing that Petitioner/Plaintiff CPA has no plain,	
23	speedy or adequate remedy at law and that a Temporary Restraining Order and Order to Show Cause	
24	Re: Preliminary Injunction should issue.	
25	IT IS ORDERED that an Order to Show Cause re: Preliminary Injunction issue in this case	
26	enjoining and restraining Respondents City of Concord ("City") and Guy Swanger, Chief of Police	
27	("Chief") (collectively "Respondents") and their agents, employees and representatives from	
28	retroactively enforcing or applying Senate Bill 1421's amendments to California Penal Code sections	
	1	
	[PROPOSED] TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE	

1 832.7 and 832.8 in any manner which would result in the disclosure or production of peace officer
2 personnel records and information regarding incidents or reflecting conduct occurring prior to January
3 1, 2019 that would not have otherwise been subject to disclosure prior to January 1, 2019, or in the
4 alternative, to show cause before this Court in Courtroom 12 located at 725 Court Street, Martinez,
5 California on 2-8-19 2019 at 1:30pm why Respondents have not done so;

6 IT IS FURTHER ORDERED that pending the Order to Show Cause re: Preliminary Injunction
7 and until this Court otherwise directs, a Temporary Restraining Order is hereby issued enjoining and
8 restraining Respondents and their agents, employees and representatives from retroactively enforcing
9 or applying Senate Bill 1421's amendments to California Penal Code sections 832.7 and 832.8 in any
10 manner which would result in the disclosure or production of peace officer personnel records and
11 information regarding incidents or reflecting conduct occurring prior to January 1, 2019 that would not
12 have otherwise been subject to disclosure prior to January 1, 2019.

13 A copy of this Temporary Restraining Order and Order to Show Cause Re: Preliminary
14 Injunction to be served on Respondents days before the hearing date. today

15 Dated: 1-25-19

CHARLES S. TREAT

JUDGE OF THE SUPERIOR COURT

Appendix C: SFPD Protocols for Release of SB 1421 Documents

Protocols for Release of S.B. 1421 Documents

Penal Code § 832.7 has long made most peace officer personnel records confidential and exempt from disclosure under the California Public Records Act (“CPRA”). Amendments to this section, which became effective January 1, 2019, now require disclosure of certain peace officer personnel records and records maintained by any state or local agency (hereafter “peace officer records”) in response to requests under the CPRA. These protocols provide guidance for the types of records and redactions that apply.

I. Disclosable Peace Officer Records

A. Categories of Disclosable Documents.

The following peace officer records are no longer confidential and therefore are subject to disclosure under the CPRA:

1. Records relating to: the report, investigation, or findings regarding an officer's discharge of a firearm at a person (“discharge of a firearm at a person”);
2. Records relating to: the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury of a person (“use of force”);
3. Records relating to: a sustained finding that an officer engaged in sexual assault involving a member of the public (“sexual assault”); and
4. Records relating to: a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence (“dishonesty”).

Cal. Penal Code § 832.7(b)(1)(A)-(C).

But disclosure of these records is subject to limits. These limits fall under various topics: redaction, delays in producing the records, and procedures governing their production. These rules are discussed below.

B. Types of Records.

1. **Releaseable records.** A “record” relating to the report, investigation, or findings of any of the disclosable categories is subject to release if in the categories described in Section IA. Penal Code § 832.7(b)(2) lists the types of “records” that are subject to disclosure:
 - a) all investigative reports;
 - b) photographic, audio, and video evidence;
 - c) transcripts or recordings of interviews;
 - d) autopsy reports;

Appendix D: Riverside County, California - SB 1421 Record Release Method

RE: Webpage

[home](#)[contact us](#)[who to call](#)[faq](#)[site map](#)[-- Quicklinks --](#)

CHAD BIANCO
SHERIFF
SHERIFF-CORONER, RIVERSIDE COUNTY, CA
The Department
Dedicated to honesty and integrity in all our actions

[Jobs](#) [Press Releases](#) [Stations](#) [Coroner](#) [Corrections](#) [Court Services](#) [Crime](#) [Bureaus & Teams](#) [Training](#)
[Report a Crime](#) [Recruiting](#) [Events](#) [Inmates & Jails](#) [Unclaimed Money](#) [CCW](#) [Firearms](#) [Alerts](#) [Volunteers](#) [About Us](#) [Department Members](#)

The Riverside County Sheriff's Department has been diligently working to comply with the amendments to the California Public Record Act arising from the passing of Senate Bill No. 1421 and Assembly Bill No. 748. As a result of the passing of these laws, the Riverside County Sheriff's Department is actively engaged in the meticulous review and redaction of tens of thousands of pages of documents, videos and audio recordings, in order to comply with strict privacy, and other laws governing the release of information to the public. This process has required extensive software upgrades, and continues to result in significant demands upon Riverside County Sheriff's Department staff.

Please be advised that all requested and releasable documents, audio, and/or video will be made available online at <http://www.riversidesheriff.org/cpra>, in order to best ensure open access to this information by the public. You are encouraged to visit this site often as it will be updated on a rolling basis as additional information becomes available.

Public Records

Some language or content may be deemed offensive to some readers, viewer discretion is advised.

Penal Code § 832.7(b)(1)(A)(i): "A record relating to the report, investigation, or findings of ...an incident involving the discharge of a firearm at a person by a peace officer or custodial officer."

- [D-142620001 \(PDF\)](#)
- [JV-141510118 \(PDF\)](#)
- [LA-142840008 \(PDF\)](#)
- [MV-140150390 \(PDF\)](#)
- [Y-141000052 \(PDF\)](#)
- [Y-141020068 \(PDF\)](#)
- [GP-143440001 \(PDF\)](#)
- [MC-142030003 \(PDF\)](#)
- [PE-143150123 \(PDF\)](#)
- [Y-143590045 \(PDF\)](#)
- [B-150360055 \(PDF\)](#)
- [D-150210037 \(PDF\)](#)
- [C-152690004 \(PDF\)](#)
- [F-150740045 \(PDF\)](#)
- [MV-151970044 \(PDF\)](#)
- [JV-153080125 \(PDF\)](#)

Sheriff's Department

- [About Us](#)
- [Codes of Ethics](#)
- [Complaints](#)
- [Fees \(pdf\)](#)
- [History](#)
- [In Memory](#)
 - [Awards & Honors](#)
- [Organizational Chart \(pdf\)](#)
- [Our Values](#)
- [Peace Officer Memorials](#)
- [Patches](#)
- [Unclaimed Money](#)

Community Outreach

- [LGBT Liaison](#)

Sheriff's Retirees

- [FAQs](#)
- [Law Enforcement Officers Safety Act](#)
- [Retiree Update Form](#)

Patches

Appendix E: SB 1421 – Operational Procedures Survey

Survey Flow

Section Header: Q1, Agency Information (5 Questions)

Section Header: Q2, SB 1421 Personnel (6 Questions)

Section Header: Q3, SB 1421 CPRA Operational Procedures (7 Questions)

Section Header: Q4, SB 1421 Records Release & Processing Time (12 Questions)

Section Header: Q5, Redaction Tools/Data Storage (8 Questions)

Section Header: Q6, Other (5 Questions)

Total Survey Questions: 43 Questions

Start of Block: Agency Information

Q1.1 What is the name of your agency:

- ☐ Alameda County Sheriff
- ☐ Anaheim Police Department
- ☐ Bakersfield Police Department
- ☐ Contra Costa County Sheriff
- ☐ Fremont Police Department
- ☐ Fresno County Sheriff
- ☐ Fresno Police Department
- ☐ Irvine Police Department
- ☐ Long Beach Police Department
- ☐ Oakland Police Department
- ☐ Orange County Sheriff
- ☐ Riverside County Sheriff
- ☐ Riverside Police Department
- ☐ Sacramento County Sheriff
- ☐ Sacramento Police Department
- ☐ San Bernardino County Sheriff
- ☐ San Diego County Sheriff
- ☐ San Diego Police Department
- ☐ San Francisco County Sheriff
- ☐ San Francisco Police Department
- ☐ San Jose Police Department
- ☐ San Mateo County Sheriff
- ☐ Santa Clara County Sheriff
- ☐ Stockton Police Department
- ☐ Ventura County Sheriff

Q1.2 Please enter the name of contact person submitting this survey:

Q1.3 Please enter your position title and assigned unit/detail/division/bureau:

Q1.4 Please enter your contact email address:

Q1.5 Please enter your contact phone number:

End of Block: Agency Information

Start of Block: SB 1421 Personnel

Q2.1 What is the job title of the lead staff position overseeing staff members that process SB 1421 CPRA requests?

Please choose a selection, or enter your own text response in "other", that represents the most "direct-supervision" of SB 1421 staff members.

☐ Chief

☐ Assistant Chief

☐ Deputy Chief

☐ Lieutenant

☐ Sergeant

☐ Senior Analyst

☐ Program Manager

☐ Records Staff Member (enter position title) _____

☐ Other: _____

Q2.2 How many **full-time and/or part-time** staff are assigned/budgeted to perform SB 1421 work duties at your agency?

Please select a response for full-time and part-time staff. There is an option for zero staff members if this question does not apply to your agency.

	0 Staff Members	1-3 Staff Members	4-6 Staff Members	7 or more Staff Members
Full-Time SB 1421 Staff Members	☐	☐	☐	☐
Part-Time SB 1421 Staff Members	☐	☐	☐	☐

Q2.3 Please select the number of **full-time** SB 1421 staff members which are classified as sworn or non-sworn/civilian employees?

Please select all that apply, you may select more than one option, if applicable.

1-3 Sworn

4-7 Sworn

8 or more Sworn

1-3 Non-sworn/civilian

4-7 Non-sworn/civilian

8 or more Non-sworn/civilian

My agency does not have any full-time SB 1421 staff members.

Q2.4 How many hours per week do **part-time** staff members at your agency dedicate to performing SB 1421 work duties?

Estimates are acceptable responses for the purpose of this research.

☐ 1 - 5 hours	☐ Other: _____
☐ 5.5 - 10 hours	☐ Don't know
☐ 10.5 - 15 hours	☐ My agency does not have any part-time SB 1421 staff members.
☐ 15.5 - 25 hours	

Q2.5 How many staff members who are not assigned/budgeted specifically to perform SB 1421 work duties are diverting their work time to support or directly process SB 1421 CPRA requests?

☐ 1-3 staff members	☐ 10 or more staff members
☐ 4-6 staff members	☐ Other: _____
☐ 7-9 staff members	☐ Don't know

Q2.6 Please estimate how many hours per week are being diverted to process SB 1421 CPRA requests for staff that are not specifically assigned/budgeted to perform/support SB 1421 work duties?

☐ 1 - 5 hours	☐ More than 15.5 hours
☐ 5.5 - 10 hours	☐ Other: _____
☐ 10.5 - 15 hours	☐ Don't know

End of Block: SB 1421 Personnel

Start of Block: SB 1421 CPRA Operational Procedures

Q3.1 Did your agency's procedures, protocols, or policies regarding the release of public records change as a result of/in response to SB 1421 legislation?

- ☐ Yes ☐ Changes are currently being developed and/or taking place
- ☐ No ☐ Other: _____
-

Q3.2 Does your agency have any specific procedures, protocols, or policies about processing SB 1421 CPRA requests?

- ☐ Yes
- ☐ No
- ☐ Other: _____
-

Q3.3 If so, could you provide a copy of your procedures, protocols, or policies to assist other agencies in developing their own procedures, protocols, or policies?

- ☐ Yes, please email me at: _____
- ☐ No
-

Q3.4 What type of quality check procedures or protocols does your agency utilize in order for Sworn or Non-Sworn staff members, and/or legal counsel members, to review/authorize SB 1421 records before public release?

(Please summarize a general list of the typical steps/tasks a staff member would follow before publicly releasing a responsive SB 1421 record to a CPRA requestor.)

Q3.5 What type of system does your agency use to manage CPRA requests?

☐ Manually - internal spreadsheet managed
by staff members coordinating CPRA requests
(e.g., Excel workbook)	☐ Vendor: Hyland
☐ Vendor: Next Request	☐ Vendor: Exterro
☐ Vendor: GovQA	☐ Vendor: Just FOIA
	☐ Other: _____
-

Q3.6 What type of initial communication response does your agency provide to CPRA requestor(s)?

- ☐ Direct communication to requestor (closed correspondence = via email, phone, in writing, or in person)
- ☐ Open communication on agency website (open correspondence allows the public to view all communication correspondence between agency staff and the CPRA requestor)
- ☐ Other: _____
-

Q3.7 How does your agency provide/maintain ongoing communication with CPRA requestors to provide responsive records and/or updates?

- ☐ Upload/post to agency website
- ☐ Direct email communication (no formal response letter, email message only)
- ☐ Direct email communication (formal response letter, customized for each request, attached in email message)
- ☐ Communicate online via CPRA platform/online management system
- ☐ Other: _____

End of Block: SB 1421 CPRA Operational Procedures

Start of Block: SB 1421 Records Release & Processing Time

Q4.1 How does your agency prioritize the order in which SB 1421 CPRA requests are processed?

- ☐ Date/order CPRA request is received (oldest to newest request)
 - ☐ Incidents with the most requests are processed first
 - ☐ High profile incidents are processed first and take ongoing priority
 - ☐ Reverse chronological order: oldest incident to newest incident
 - ☐ Chronological order: newest incidents to oldest incident
 - ☐ Other: _____
-

Q4.2 What records release method has your agency used to release responsive SB 1421 records to CPRA requestors?

- ☐ Start by releasing General Police Report text documents first for each request
 - ☐ Start by releasing General Police Report and investigative text documents for each request
 - ☐ Full Records Release – provide all responsive records (text, photos, audio, and video) for each request, then move on to next request
 - ☐ Partial Records Release – provide all responsive text documents and only precipitous moments of audio and video records for each request, then move on to next request, return to partial response requests to prepare/process remaining audio and video records to requestor
 - ☐ Other: _____
-

Q4.3 Overall, how many qualifying SB 1421 incidents does your agency know about?

Qualifying SB 1421 incidents: How many OIS, GBI, and disciplinary incidents does your agency know about which are releasable under SB 1421?

Some agencies refer to this type of list as an "SB 1421 Index".

	0	1-30 incidents	31-60 incidents	61-90 incidents	More than 90	Don't know	Other
OIS	☐	☐	☐	☐	☐	☐	☐
GBI	☐	☐	☐	☐	☐	☐	☐
Disciplinary	☐	☐	☐	☐	☐	☐	☐

Q4.4 If you selected "other", please describe why:

Q4.5 Overall, how many CPRA requests has your agency processed in the following years:
(Any fluctuation in the amount of CPRA requests will be helpful data to compare for agencies that are exploring options to add more staff members to perform these types of job duties. This total includes general/routine CPRA requests which do not cite/request SB 1421 records.)

_____ 2017:

_____ 2018:

_____ 2019:

_____ 2020 (current CPRA requests to date):

Q4.6 Since January 1, 2019, how many CPRA requests have been for SB 1421 records?

☐ 0	☐ 76-100
☐ 1-25	☐ 100 or more
☐ 26-50	☐ Don't Know
☐ 51-75	☐ Other: _____

Q4.7 Overall, how many public records for SB 1421 incidents has your agency released in response to CPRA requests?

(Note: One incident is considered one record for the purpose of this survey question.)

For example) "My agency has a total of 21 OIS incidents which are responsive to SB 1421 CPRA requests. Currently, we have released records for 4 of those incidents, therefore, I would select the range that includes "4" record releases in the survey question below."

- ☐ 15 or less
 ☐ 60 or less
☐ 30 or less
 ☐ More than 60
☐ 45 or less
 ☐ Other: _____

Q4.8 How many of your agency's overall public record releases were for any of the following SB 1421 incidents:

(Note: One incident is considered one record for the purpose of this survey question.)

For example) "My agency has a total of 15 GBI incidents which are responsive to SB 1421 CPRA requests. Currently, we have released records for 7 of those incidents, therefore, I would select the range that includes "7" record releases in the survey question below."

	0	1-15 record releases	16-30 record releases	31-45 record releases	46-60 record releases	60 or more record releases	Other
GBI incidents	☐	☐	☐	☐	☐	☐	☐
OIS – non-fatal incidents	☐	☐	☐	☐	☐	☐	☐
OIS – fatal incidents	☐	☐	☐	☐	☐	☐	☐
Disciplinary records	☐	☐	☐	☐	☐	☐	☐

Q4.9 Please estimate the average amount of staff time spent processing SB 1421 - **GBI incidents**:

Processing includes: collecting, preparing, reviewing, and releasing records. Example of relevant records: text documents, photo images, video and audio files.

	1 - 5 hours	5.5 - 10 hours	10.5 - 15 hours	15.5 - 25 hours	25.5 hours or more	Other	Don't Know
Average amount of staff time spent processing SB 1421 - GBI incidents:	☐	☐	☐	☐	☐	☐	☐

Q4.10 Please estimate the average amount of staff time spent processing SB 1421 - **OIS – non-fatal incidents**:

Processing includes: collecting, preparing, reviewing, and releasing records. Example of relevant records: text documents, photo images, video and audio files.

	1 - 10 hours	10.5 - 20 hours	20.5 - 30 hours	30.5 - 40 hours	40.5 hours or more	Other	Don't Know
Average amount of staff time spent processing SB 1421 - OIS – non-fatal incidents:	☐	☐	☐	☐	☐	☐	☐

Q4.11 Please estimate the average amount of staff time spent processing SB 1421 - **OIS – fatal incidents**:

Processing includes: collecting, preparing, reviewing, and releasing records. Example of relevant records: text documents, photo images, video and audio files.

	1 - 10 hours	10.5 - 20 hours	20.5 - 30 hours	30.5 - 40 hours	40.5 hours or more	Other	Don't Know
Average amount of staff time spent processing SB 1421 - OIS – fatal incidents:	☐	☐	☐	☐	☐	☐	☐

Q4.12 Please estimate the average amount of staff time spent processing SB 1421 - **disciplinary records**:

Processing includes: collecting, preparing, reviewing, and releasing records. Example of relevant records: text documents, photo images, video and audio files.

	1 - 10 hours	10.5 - 20 hours	20.5 - 30 hours	30.5 - 40 hours	40.5 hours or more	Other	Don't Know
Average amount of staff time spent processing SB 1421 - OIS – fatal incidents:	☐	☐	☐	☐	☐	☐	☐

End of Block: SB 1421 Records Release & Processing Time

Start of Block: Redaction Tools/Data Storage

Q5.1 What type of digital tools does your agency use to redact **text** files?

- ☐ Adobe Pro
 - ☐ Laserfiche
 - ☐ Manually redact with permanent marker and scan or copy document
 - ☐ Other: _____
 - ☐ My agency outsources text file redaction services to a contractor/vendor.
-

Q5.2 If applicable, please list the name of the **text** file redaction contractor/vendor.

Q5.3 What type of digital tools does your agency use to redact **audio** files?

- ☐ Adobe Audition
 - ☐ Axon, Evidence.com
 - ☐ Audacity
 - ☐ Other: _____
 - ☐ My agency outsources audio file redaction services to a contractor/vendor.
-

Q5.4 If applicable, please list the name of the **audio** file redaction contractor/vendor.

Q5.5 What type of digital tools does your agency use to redact **non-BWC video** files?

(e.g., investigative interview footage, surveillance footage)

- ☐ Adobe Premiere
 - ☐ Axon, Evidence.com
 - ☐ Other: _____
 - ☐ My agency outsources non-BWC video file redaction services to a contractor/vendor.
-

Q5.6 If applicable, please list the name of the **non-BWC video** file redaction contractor/vendor.

Q5.7 What type of digital tools does your agency use to redact **BWC video** files?

- ☐ Axon, Evidence.com
 - ☐ Other:
 - ☐ My agency outsources BWC video file redaction services to a contractor/vendor.
-

Q5.8 If applicable, please list the name of the **BWC video** file redaction contractor/vendor.

End of Block: Redaction Tools/Data Storage

Start of Block: Other

Q6.1 Please indicate if you would like to receive the survey responses from other participating law enforcement agencies.

- ☐ Yes, please send me all the survey responses.
- ☐ Yes, please send me survey response only for: (enter agency name) _____
- ☐ No, I do not want to receive any survey responses.

Q6.1 Do you have any other comments or information about your agency's SB 1421 operational procedures that you would like to share?

☐ Yes

☐ No

Q6.2 If you have any other comments or information to share, please enter your response below:

Q6.3 Do you have any questions about other agencies' SB 1421 operational procedures, not listed above, that you would like to know more about?

☐ Yes

☐ No

Q6.4 If you have any questions that you would like to know more about, please enter your questions below:

End of Block: Other

Appendix F: Sample CPRA FAQ – California Highway Patrol

As of: October 2019

**CALIFORNIA
HIGHWAY PATROL**

Select Language

California Public Records Act

5

WHAT IS THE CALIFORNIA PUBLIC RECORDS ACT?

In 1968, the California Legislature enacted the California Public Records Act (CPRA) under Government Code (GC) sections 6250-6270. In its findings and declarations, mindful of the right of individuals' privacy, the Legislature declared it was the public's right to access information concerning the people's business.

WHAT IS A PUBLIC RECORD?

As defined in the California Public Records Act, Government Code section 6252 "public records include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics."

WHO CAN MAKE A PUBLIC RECORDS REQUEST?

Any person can make a Public Records request.

HOW TO MAKE A PUBLIC RECORDS ACT REQUEST

The California Highway Patrol understands and supports the public's right to access the public records created and maintained by the Department in the course of their normal business. It is the goal of the State of California and the California Highway Patrol to provide service to the public in a transparent manner.

To submit a request for public records, please call or visit the CHP Area office nearest you. Contacting

Appendix G: Sample SB 1421 FAQ – Riverside County Sheriff Department

As of: October 2019

[home](#) [contact us](#) [who to call](#) [faqs](#) [site map](#) [Quicklinks](#) **RIVERSIDE COUNTY**
CALIFORNIA

CHAD BIANCO
SHERIFF
SHERIFF-CORONER, RIVERSIDE COUNTY, CA
The Department
Dedicated to honesty and integrity in all our actions

[Jobs](#) [Press Releases](#) [Stations](#) [Coroner](#) [Corrections](#) [Court Services](#) [Crime](#) [Bureaus & Teams](#) [Training](#)
[Report a Crime](#) [Recruiting Events](#) [Inmates & Jails](#) [Unclaimed Money](#) [CCW](#) [Firearms](#) [Alerts](#) [Volunteers](#) [About Us](#) [Department Members](#)

California Senate Bill 1421 Peace Officers Release of Records

Frequently Asked Questions

California Senate Bill 1421 (SB-1421), which became law on January 1, 2019, amends California Penal Code sections 832.7 and 832.8 relating to peace officer records. SB-1421 requires certain peace officer personnel records and records relating to specified incidents, complaints, and investigations involving peace officers to be made available for public inspection pursuant to the California Public Records Act. The Riverside County Sheriff's Department is fully committed to complying with the new law. Because the law is complex, we want you to know a few important points. If you want to read the law in its entirety, click [here](#).

Q What categories of records must be made public under SB-1421?

A California Penal Code section 832.7(b) applies to records relating to:

- The discharge of a firearm at a person by a deputy
- The use of force by a deputy against a person resulting in death or great bodily injury
- An incident in which an agency made a sustained finding that a deputy engaged in sexual assault involving a member of the public
- An incident in which an agency made a sustained finding that a deputy engaged in dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or the reporting of, or investigation of misconduct by, another deputy

Q What does "sustained finding" mean?

A "Sustained" means a final determination by the agency, following an investigation and opportunity for an administrative appeal, that the actions of the peace officer were found to violate department policy.

Q If I request a qualifying record, will I get every part of the record, in its entirety?

A California Penal Code section 832.7(b) mandates the redaction of the following information:

(A) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.

(B) To preserve the anonymity of complainants and witnesses.

(C) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

(D) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

Additionally, if an investigation or incident involves multiple officers, information about allegations of misconduct by, or the analysis or disposition of an investigation of, an officer must be redacted unless it relates to a sustained finding against that officer.

The record(s) you receive from the Sheriff's Department will be redacted, pursuant to the Penal Code. It is important to note that all parts of the record must be reviewed and redacted prior to

Sheriff's Department

- [About Us](#)
- [Codes of Ethics](#)
- [Complaints](#)
- [Fees \(pdf\)](#)
- [History](#)
- [In Memory](#)
 - [Awards & Honors](#)
- [Organizational Chart \(pdf\)](#)
- [Our Values](#)
- [Peace Officer Memorials](#)
- [Patches](#)
- [Unclaimed Money](#)

Community Outreach

- [LGBT Liaison](#)

Sheriff's Retirees

- [FAQs](#)
- [Law Enforcement Officers Safety Act](#)
- [Retiree Update Form](#)

Patches

The Riverside County Sheriff's Department does not issue patches.

Riverside Sheriff's Stations **Law Enforcement Agencies** **Non-Emergency Numbers**

All 9-1-1 and non-emergency numbers support TTY communications.

Who to Call in Riverside County

Toll Free:	800-950-2444
West:	951-776-1099
Central:	951-776-1099
East - Coachella:	760-836-3215
East - Blythe:	760-921-7900
Moreno Valley:	951-247-8700

Appendix H: Full Roster of Survey Agencies with Descriptor Information

Data Category: Population and Staffing Data

#	County	City	Agency Name		Population (2018 US Census)	Total Agency Personnel (2018 FBI UCR)	Sworn Staff Level	Civilian Staff Level
City Agencies				Population and Staffing Data				
1	San Diego	San Diego	San Diego Police Department		1,425,976	2,332	1,731	601
2	Santa Clara	San Jose	San Jose Police Department		1,030,119	1,550	1,113	437
3	San Francisco	San Francisco	San Francisco Police Department		805,235	2,913	2,306	607
4	Fresno	Fresno	Fresno Police Department		494,665	1,063	811	252
5	Sacramento	Sacramento	Sacramento Police Department		466,488	948	651	297
6	Los Angeles	Long Beach	Long Beach Police Department		462,257	1,164	824	340
7	Alameda	Oakland	Oakland Police Department		390,724	1,010	731	279
8	Kern	Bakersfield	Bakersfield Police Department		347,483	537	398	139
9	Orange	Anaheim	Anaheim Police Department		336,265	597	419	178
10	Riverside	Riverside	Riverside Police Department		303,871	522	370	152
11	San Joaquin	Stockton	Stockton Police Department		291,707	671	469	202
12	Alameda	Fremont	Fremont Police Department		214,089	278	181	97
13	Orange	Irvine	Irvine Police Department		212,375	310	216	94
County Agencies								
14	San Diego County	San Diego	San Diego Sheriff		3,343,364	4,283	2,572	1,711
15	Orange County	Orange County	Orange County Sheriff		3,185,968	3,735	1,880	1,855
16	Riverside County	Riverside County	Riverside County Sheriff		2,450,758	3,530	1,795	1,735
17	San Bernardino	San Bernardino	San Bernardino County Sheriff		2,171,603	3,407	2,018	1,389
18	Santa Clara County	Santa Clara	Santa Clara County Sheriff		1,937,570	1,694	1,279	415
19	Alameda County	Alameda County	Alameda County Sheriff		1,666,753	1,537	939	598
20	Sacramento County	Sacramento	Sacramento County Sheriff		1,540,975	1,898	1,302	596
21	Contra Costa	Contra Costa	Contra Costa County Sheriff		1,150,215	961	647	314
22	Fresno County	Fresno County	Fresno County Sheriff		994,400	1,152	430	722
23	San Francisco	San Francisco	San Francisco County Sheriff		883,305	1,045	860	185
24	Ventura County	Ventura County	Ventura County Sheriff	850,967	1,232	760	472	
25	San Mateo County	San Mateo	San Mateo County Sheriff	769,545	734	348	386	

Data Category: Racial Demographics 1 and 2

#	County	City	Agency Name	Racial Demographic Data	Demographic #1 (2018 US Census)	%	Demographic #2 (2018 US Census)	%
City Agencies								
1	San Diego	San Diego	San Diego Police Department		White (alone, not Hispanic)	42.9%	Hispanic or Latino	30.1%
2	Santa Clara	San Jose	San Jose Police Department		Asian alone	35.4%	Hispanic or Latino	32.0%
3	San Francisco	San Francisco	San Francisco Police Department		White (alone, not Hispanic)	40.6%	Asian alone	34.2%
4	Fresno	Fresno	Fresno Police Department		Hispanic or Latino	49.4%	White (alone, not Hispanic)	27.1%
5	Sacramento	Sacramento	Sacramento Police Department		White (alone, not Hispanic)	32.5%	Hispanic or Latino	28.7%
6	Los Angeles	Long Beach	Long Beach Police Department		Hispanic or Latino	42.5%	White (alone, not Hispanic)	28.1%
7	Alameda	Oakland	Oakland Police Department		White (alone, not Hispanic)	26.9%	Hispanic or Latino	26.9%
8	Kern	Bakersfield	Bakersfield Police Department		Hispanic or Latino	49.5%	White (alone, not Hispanic)	33.5%
9	Orange	Anaheim	Anaheim Police Department		Hispanic or Latino	54.0%	White (alone, not Hispanic)	24.8%
10	Riverside	Riverside	Riverside Police Department		Hispanic or Latino	53.3%	White (alone, not Hispanic)	30.3%
11	San Joaquin	Stockton	Stockton Police Department		Hispanic or Latino	42.1%	Asian alone	21.6%
12	Alameda	Fremont	Fremont Police Department		Asian alone	58.4%	White (alone, not Hispanic)	20.7%
13	Orange	Irvine	Irvine Police Department		Asian alone	42.3%	White (alone, not Hispanic)	40.7%
County Agencies								
14	San Diego County	San Diego	San Diego Sheriff		White (alone, not Hispanic)	45.2%	Hispanic or Latino	34%
15	Orange County	Orange County	Orange County Sheriff		White (alone, not Hispanic)	40.1%	Hispanic or Latino	34.2%
16	Riverside County	Riverside County	Riverside County Sheriff		Hispanic or Latino	49.6%	White (alone, not Hispanic)	34.7%
17	San Bernardino	San Bernardino	San Bernardino County Sheriff		Hispanic or Latino	54%	White (alone, not Hispanic)	27.9%
18	Santa Clara County	Santa Clara	Santa Clara County Sheriff		Asian alone	38.3%	White (alone, not Hispanic)	31%
19	Alameda County	Alameda County	Alameda County Sheriff		Asian alone	31.8%	White (alone, not Hispanic)	31.1%
20	Sacramento County	Sacramento	Sacramento County Sheriff		White (alone, not Hispanic)	44.2%	Hispanic or Latino	23.4%
21	Contra Costa	Contra Costa	Contra Costa County Sheriff		White (alone, not Hispanic)	43.2%	Hispanic or Latino	25.8%
22	Fresno County	Fresno County	Fresno County Sheriff		Hispanic or Latino	53.5%	White (alone, not Hispanic)	29%
23	San Francisco	San Francisco	San Francisco County Sheriff		White (alone, not Hispanic)	40.3%	Asian alone	35.9%
24	Ventura County	Ventura County	Ventura County Sheriff		White (alone, not Hispanic)	45%	Hispanic or Latino	43%
25	San Mateo County	San Mateo	San Mateo County Sheriff	White (alone, not Hispanic)	38.9%	Asian alone	30.1%	

Data Category: Racial Demographics 3 and 4

#	County	City	Agency Name	Racial Demographic Data	Demographic #3 (2018 US Census)	%	Demographic #4 (2018 US Census)	%
City Agencies								
1	San Diego	San Diego	San Diego Police Department		Asian alone	16.7%	Black or African American	6.5%
2	Santa Clara	San Jose	San Jose Police Department		White (alone, not Hispanic)	26.0%	Black or African American	3%
3	San Francisco	San Francisco	San Francisco Police Department		Hispanic or Latino	15.2%	Black or African American	5.2%
4	Fresno	Fresno	Fresno Police Department		Asian alone	13.7%	Black or African American	7.6%
5	Sacramento	Sacramento	Sacramento Police Department		Asian alone	18.9%	Black or African American	13.4%
6	Los Angeles	Long Beach	Long Beach Police Department		Asian alone	13.1%	Black or African American	12.9%
7	Alameda	Oakland	Oakland Police Department		Black or African American	23.6%	Asian alone	15.7%
8	Kern	Bakersfield	Bakersfield Police Department		Black or African American	7.4%	Asian alone	7.3%
9	Orange	Anaheim	Anaheim Police Department		Asian alone	16.7%	Black or African American	2.5%
10	Riverside	Riverside	Riverside Police Department		Asian alone	7.4%	Black or African American	6.2%
11	San Joaquin	Stockton	Stockton Police Department		White (alone, not Hispanic)	20.8%	Black or African American	11.8%
12	Alameda	Fremont	Fremont Police Department		Hispanic or Latino	13.1%	Black or African American	3.1%
13	Orange	Irvine	Irvine Police Department		Hispanic or Latino	10.3%	Black or African American	1.9%
County Agencies								
14	San Diego County	San Diego	San Diego Sheriff		Asian alone	12.6%	Black or African American	5.5%
15	Orange County	Orange County	Orange County Sheriff		Asian alone	21.4%	Black or African American	2.1%
16	Riverside County	Riverside County	Riverside County Sheriff		Black or African American	7.2%	Asian alone	7.1%
17	San Bernardino	San Bernardino	San Bernardino County Sheriff		Black or African American	9.4%	Asian alone	7.8%
18	Santa Clara County	Santa Clara	Santa Clara County Sheriff		Hispanic or Latino	25.3%	Black or African American	2.8%
19	Alameda County	Alameda County	Alameda County Sheriff		Hispanic or Latino	22.4%	Black or African American	11.2%
20	Sacramento County	Sacramento	Sacramento County Sheriff		Asian alone	16.9%	Black or African American	10.9%
21	Contra Costa	Contra Costa	Contra Costa County Sheriff		Asian alone	18%	Black or African American	9.5%
22	Fresno County	Fresno County	Fresno County Sheriff		Asian alone	11%	Black or African American	5.8%
23	San Francisco	San Francisco	San Francisco County Sheriff		Hispanic or Latino	15.2%	Black or African American	5.6%
24	Ventura County	Ventura County	Ventura County Sheriff		Asian alone	7.9%	Black or African American	2.4%
25	San Mateo County	San Mateo	San Mateo County Sheriff		Hispanic or Latino	24.3%	Black or African American	2.7%

Data Category: Crime Data

#	County	City	Agency Name	Crime Data	Total Crimes (FBI Definition includes 2 categories: violent and property crimes; arson not included) (2018 FBI UCR)	Total # of Violent Crimes (Per FBI Definition, arson not included)	Total # of Property Crimes (Per FBI Definition, arson not included)	% of Violent Crimes (Per FBI Definition, arson not included) (2018 FBI UCR)	% of Property Crimes (Per FBI Definition, arson not included) (2018 FBI UCR)	End of Data
City Agencies										
1	San Diego	San Diego	San Diego Police Department		32,776	5,360	27,416	16.35%	83.65%	
2	Santa Clara	San Jose	San Jose Police Department		30,197	4,444	25,753	14.72%	85.28%	
3	San Francisco	San Francisco	San Francisco Police Department		55,358	6,144	49,214	11.10%	88.90%	
4	Fresno	Fresno	Fresno Police Department		20,740	2,953	17,787	14.24%	85.76%	
5	Sacramento	Sacramento	Sacramento Police Department		18,746	3,329	15,417	17.76%	82.24%	
6	Los Angeles	Long Beach	Long Beach Police Department		15,206	3,284	11,922	21.60%	78.40%	
7	Alameda	Oakland	Oakland Police Department		28,670	5,480	23,190	19.11%	80.89%	
8	Kern	Bakersfield	Bakersfield Police Department		17,992	1,895	16,097	10.53%	89.47%	
9	Orange	Anaheim	Anaheim Police Department		9,894	1,192	8,702	12.05%	87.95%	
10	Riverside	Riverside	Riverside Police Department		11,912	1,686	10,226	14.15%	85.85%	
11	San Joaquin	Stockton	Stockton Police Department		16,183	4,383	11,800	27.08%	72.92%	
12	Alameda	Fremont	Fremont Police Department		5,189	502	4,687	9.67%	90.33%	
13	Orange	Irvine	Irvine Police Department		3,819	160	3,659	4.19%	95.81%	
County Agencies										
14	San Diego County	San Diego	San Diego Sheriff		6,039	1,422	4,617	23.55%	76.45%	
15	Orange County	Orange County	Orange County Sheriff		1352	229	1,123	16.94%	83.06%	
16	Riverside County	Riverside County	Riverside County Sheriff		8492	841	7651	9.90%	90.10%	
17	San Bernardino	San Bernardino	San Bernardino County Sheriff		6159	924	5235	15.00%	85.00%	
18	Santa Clara County	Santa Clara	Santa Clara County Sheriff		1628	316	1312	19.41%	80.59%	
19	Alameda County	Alameda County	Alameda County Sheriff		2784	589	2195	21.16%	78.84%	
20	Sacramento County	Sacramento	Sacramento County Sheriff		12939	2797	10142	21.62%	78.38%	
21	Contra Costa	Contra Costa	Contra Costa County Sheriff		1832	347	1485	18.94%	81.06%	
22	Fresno County	Fresno County	Fresno County Sheriff		4975	1177	3798	23.66%	76.34%	
23	San Francisco	San Francisco	San Francisco County Sheriff		N/A	N/A	N/A	N/A	N/A	
24	Ventura County	Ventura County	Ventura County Sheriff		938	171	767	18.23%	81.77%	
25	San Mateo County	San Mateo	San Mateo County Sheriff	3141	298	2843	9.49%	90.51%		